S. HRG. 99-378

HAWAII INTERSTATE H-3 PROJECT

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

NOVEMBER 6, 1985

Printed for the use of the
Committee on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE
55-704 O WASHINGTON : 1986

S321-12

55-704 0 - 86 - 1

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROBERT T. STAFFORD, Vermont, *Chairman*

JOHN H. CHAFEE, Rhode Island
ALAN K. SIMPSON, Wyoming
JAMES ABDNOR, South Dakota
STEVE SYMMS, Idaho
GORDON J. HUMPHREY, New Hampshire
PETE V. DOMENICI, New Mexico
DAVE DURENBERGER, Minnesota

LLOYD BENTSEN, Texas
QUENTIN N. BURDICK, North Dakota
GARY HART, Colorado
DANIEL PATRICK MOYNIHAN, New York
GEORGE J. MITCHELL, Maine
MAX BAUCUS, Montana
FRANK R. LAUTENBERG, New Jersey

BAILEY GUARD, *Staff Director*
LEE O. FULLER, *Minority Staff Director*

SUBCOMMITTEE ON TRANSPORTATION

STEVE SYMMS, Idaho, *Chairman*

JOHN H. CHAFEE, Rhode Island
JAMES ABDNOR, South Dakota
ROBERT T. STAFFORD, Vermont

QUENTIN N. BURDICK, North Dakota
GEORGE J. MITCHELL, Maine
LLOYD BENTSEN, Texas

CONTENTS

OPENING STATEMENTS

Page
Bentsen, Hon. Lloyd, U.S. Senator from the State of Texas 3
Burdick, Hon. Quentin N., U.S. Senator from the State of North Dakota 3
Chafee, Hon. John H., U.S. Senator from the State of Rhode Island 3
Stafford, Hon. Robert T., U.S. Senator from the State of Vermont 2
Symms, Hon. Steve, U.S. Senator from the State of Idaho 1

WITNESSES

Akaka, Hon. Daniel K., a Representative in Congress from the State of Hawaii 9
  Written statement 67
Andrews, Hon. Mark, U.S. Senator from the State of North Dakota 4
Banks, Paul, president, Dillingham Construction Pacific Ltd., presented by Lloyd Jones 55
  Written statement 141
Barnhart, Ray A., Administrator, Federal Highway Administration 21
  Written statement 71
  Background information and key issues on H-3 77
Bellinger, Reb, vice chairman, Citizens for H-3 58
  Written statement 149
Brown, Boyce, Jr., attorney for Stop H-3 Association and Life of the Land 40
  Written statement 120
Burwell, David, director, special projects, National Wildlife Federation 47
  Written statement 122
Gagné, Wayne C., regional vice president, Sierra Club, Hawaii chapter 60
  Written statement 157, 159
George, Hon. Mary, member, Hawaii State Senate 25
  Written statement 84
Ige, Hon. Marshall, vice speaker, Hawaii House of Representatives 29
Inouye, Hon. Daniel K., U.S. Senator from the State of Hawaii 5
  Written statement 63
Kido, C. Mike, president, Kailua Chamber of Commerce 51
  Written statement 133
Matsunaga, Hon. Spark M., U.S. Senator from the State of Hawaii 7
Nakata, Hon. Robert S., representative, Hawaii House of Representatives 26
Osada, Stanley, president, Hawaii chapter, Associated General Contractors 54
  Written statement 137
Reppun, Charles, president, Hui Malama Aina 'O Koolau 46
  Written statement 121
Richardson, Jack, chairman, Citizens for H-3 57
  Written statement 144
Robinson, Carlton C., executive vice president, National Highway Users Federation 52
Robinson, Robert B., president, Chamber of Commerce of Hawaii 51
  Written statement 135
Rose, Vera 42
Thielen, Cynthia, Stop H-3 Association 28
  Written statement 89
Tilt, Whitney C., the National Audubon Society 48
  Written statement 126
Toguchi, Hon. Charles, vice chairman, Hawaii State Senate Transportation Committee 30

Page

- Yamasaki, Wayne J., director, Hawaii State Department of Transportation 35
  - Written statement 95

ADDITIONAL STATEMENTS SUBMITTED FOR THE RECORD

- Statements in favor of H-3:
  - Hawaii House of Representatives:
    - Anderson, Hon. Whitney T 161
    - Medeiros, Hon. John N 163
    - Taniguchi, Hon. Brian T 166
  - Cayetano, Hon. Benjamin J., chairman, Senate Transportation Committee, Hawaii State Senate 164
  - City Council, city and county of Honolulu, Tony Narvaes, Acting Chair 169
  - Cement & Concrete Products Industry of Hawaii 171
- Statements in opposition to H-3:
  - City Council, city and county of Honolulu:
    - Council members:
      - Bornhorst, Marilyn 172, 174
      - Fawcett, Welcome W 173, 174
      - Mink, Patsy T 174
  - Fasi, Hon. Frank F., mayor, city and county of Honolulu 174
  - Advisory Council on Historic Preservation 175
  - Conservation Council for Hawaii 177
  - Greenpeace 178
  - Hawaii Audubon Society 179
  - Hawaii League of Conservation Voters 180
  - Hawaii's Thousand Friends 181
  - Hawaiian Trail & Mountain Club 182
  - Johnson, Betty L 183
  - Kahaluu Neighborhood Board 29 184
  - Kawai Nui Heritage Foundation 185
  - Life of the Land 186
  - Save Kawela Bay Association 187
  - Taylor, Edwin B.G 188
  - Waiahole & Waikane Community Association 189

HAWAII INTERSTATE HIGHWAY H-3 PROJECT

WEDNESDAY, NOVEMBER 6, 1985

U.S. SENATE,
SUBCOMMITTEE ON TRANSPORTATION,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in room 406, Dirksen Senate Office Building, Hon. Steve Symms presiding.

Present: Senators Symms, Stafford, Chafee, Abdnor, Bentsen, and Burdick.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. The Transportation Subcommittee hearing will begin. I am pleased to be holding this hearing at the request of our colleague Senator Inouye from Hawaii. The purpose of the hearing is to receive testimony on the Interstate Highway H-3 project. I am reminded of the observation of my late uncle who was commissioner of the Idaho Highway Department at one time, that we had gone from being able to start planning a road and completing construction in 3 years to now where it's around 15 years and that if we kept this up, we would get rid of all the construction people and just plan the roads. I think that's what it looks like you have been doing here. There has been planning going on for 25 years and there still is no construction.

I will be pleased to hear from witnesses presenting testimony on the Hawaii Interstate Highway H-3 project.

Senator Inouye has asked the committee to review the ninth circuit court of appeals decision with regard to the application of 4(f) to the H-3 project. Our distinguished colleague from Hawaii has advised us of his desire to provide the H-3 project with an exemption from 4(f) requirements. I believe Senator Inouye's concern regarding the court of appeals decision has merit and I have given him my assurance that I will work with him in trying to find a solution to the problem.

From the information I have seen so far, it appears that the Hawaii Department of Transportation has gone to great lengths to protect the park which would be adjacent to H-3. They have cooperated with other agencies in expanding the park so that the highway and park have a common boundary. According to the State of Hawaii, this was done to protect the park from undesirable development in the buffer zone.

I believe it is appropriate for the committee to review the ninth circuit court of appeals decision to determine whether the court's interpretation of a taking under 4(f) goes beyond congressional intent in this specific case.

I am also aware of the time constraints Hawaii is under with regard to the project. H-3 is a long-term project and it is our hope that the Interstate Highway System will be substantially finished by 1990. In addition, H-3 is one of the few remaining segments that is still eligible for withdrawal through the Interstate Transfer Program. Hawaii's ability to withdraw this segment will expire on September 30, 1986. Faced with these decisions, I can understand the State of Hawaii's desire to have this issue resolved one way or another so they can make a decision on how to proceed.

I look forward to hearing from all our witnesses today. I know most, if not all of you, have come from Hawaii to testify today and I regret having to ask you to summarize your testimony in 5 minutes. Unfortunately, this is necessary because we have a limited amount of time and I want to make certain that everyone has an opportunity to express their opinion.

Having said that, we have the ranking member, Senator Bentsen here with us this morning, Senator Chafee and Senator Stafford. Senator Stafford, do you have a statement?

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. When Senator Inouye brought to my attention the situation in Hawaii regarding the construction of an interstate segment, I advised my distinguished colleague I would give the matter my attention.

Several weeks ago, I was advised that Senator Inouye was invited to give his views to the committee. I am pleased that the Transportation Subcommittee under the leadership of Senator Symms, is holding the hearing this morning for that purpose.

The H-3 project is currently under a permanent injunction prohibiting any further design or construction until the so-called section 4(f) provisions of the Department of Transportation Act has been satisfied.

It was determined that the record compiled on the preferred alignment for H-3 did not satisfy the 4(f) requirement for showing that no prudent and feasible alternative exists.

Section 4(f) of section 303(c), as it is now designated, has been in place since 1966. Congress established at the time that it was the policy of the U.S. Government, "That substantial efforts should be made to preserve the natural beauty of the country side on public parks and recreational land, wildlife, and water fowl refuges and historical sites."

The Environment and Public Works Committee has taken this policy seriously in the past and will continue to do so in the future.

The committee also recognizes the importance of the Federal Aid Highway System and particularly as it relates to the environment. We have always attempted to balance the protection of the environment with the need of the whole population for adequate transportation.

I look forward to hearing from our witnesses today and I know the information that will be provided will be very helpful to this committee.

Senator SYMMS. Thank you, Senator Stafford. Senator Bentsen, do you have a statement?

OPENING STATEMENT OF HON. LLOYD BENTSEN, U.S. SENATOR FROM THE STATE OF TEXAS

Senator BENTSEN. Yes. Thank you, Mr. Chairman.

We've had 20 years now of people, the State, county and others, attempting to construct H-3. This is similar to the same problem we had in San Antonio and it went on for 11 years.

On that one, we had a launching pad on each side of town. Finally we settled that issue here in Congress and I have yet to have one of those people who led the charge against it and fought me on that one tell me they were disappointed that we built that highway across that city. It was done and it was done with a great deal of environmental planning and it saves the people who work in that city, who travel from one side to the other, at least an hour a day.

I think that the planning, cooperation, and coordination of effort that you folks have gone through, is one of the better examples of how government works. I wish all of our projects were so thoroughly considered and planned, and I congratulate my distinguished colleagues from Hawaii for the initiative and work and the political courage that they have shown in trying to bring this about. I am very pleased to support it.

Senator SYMMS. Thank you, Senator Bentsen. Senator Chafee, do you have opening remarks?

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Just briefly. I am glad that we are having this hearing. There are obviously some problems with the construction of this highway or we wouldn't be having the hearing. I hope from this, the difficulties involved here can be ironed out and perhaps some imaginative solutions will surface.

One solution, of course, is this proposal that we pass a law exempting this highway, as I read it, from any provisions of Federal law. I am not sure that is exactly what we want to do, but I hope that we can have constructive views from those gathered here today because obviously there is a problem. Thank you, Mr. Chairman.

Senator SYMMS. Thank you very much.

I will place, at this point in the record, a statement from Senator Burdick.

[Senator Burdick's statement follows:]

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

I appreciate the opportunity of the Senate Public Works Transportation Subcommittee to review the 4(f) park issue as it relates to the third segment of the Hawaii's interstate system. I have received approximately 50 calls from residents of Hawaii in opposition to the project based on varied reasons such as construction design, and the need to discourage growth on the windward side of Oahu. The purpose of the hearing this morning is to focus on the 4(f) issue.

Previously Congress determined that the preservation of our parklands should be given major consideration in connection with all proposed highway construction programs that are to receive financial aid from the Federal Government. The Secretary of Transportation has been instructed not to approve any project which requires the use of any publicly owned land of national, state or local signficance. The statute does however allow exceptions in the case where there is no prudent alternative and the highway plan minimizes harm to the such park resulting from use.

The 4(f) issue has been applied to the Ho'omaluhia Park created by an Army Corps of Engineers flood control project. The State claims that since the park boundary was based on the highway corridor to allow no development between the park and highway that this is an unique circumstance. Opponents argue that 4(f) should apply because the park would be adversely impact by noise and visual impairment. The questions before us today is whether the Federal, State, and local planning efforts on developing the park boundary present an unique exception to court interpretation of 4(f) and if the Secretary of Transportation responsibily concluded that there was no prudent alternative to the proposed H-3 alignment.

There are 23 witnesses scheduled to be heard this morning. I regret that I will not have the personal opportunity to listen to all the testimony. However, I have to appear before another committee to testify on legislation relating to farm bankruptcy cases.

Senator SYMMS. As we commence with the witness list, first I would like to welcome everyone here that is from Hawaii and I suppose the correct way to start the meeting would be to say, "Aloha" to all of you. Senator Inouye we would be happy to hear from you. We see our colleague Spark Matsunaga is here and Daniel Akaka, a friend of mine from the other body and Senator Andrews. We are delighted to have all of you here. You're the senior man here Dan, you start off and the rest of them can follow suit.

Senator INOUYE. Thank you very much, Mr. Chairman, but before I proceed, may I yield to my colleague from North Dakota, Senator Andrews.

Senator STAFFORD. I was going to say, Mr. Chairman, I hope the distinguished Senator from North Dakota isn't planning to move west to Honolulu.

Senator ANDREWS. No way, although with the beginning of winter in North Dakota, the temptation is there just as it would be in Vermont.

STATEMENT OF HON. MARK ANDREWS, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator ANDREWS. Thank you, Mr. Chairman.

Let me say, Mr. Chairman, I am here in one of those rare situations that we have here in the Senate where the chairman of one subcommittee comes to another subcommittee to urge support of a piece of legislation.

I do urge your support of Senator Inouye's bill to waive 4(f) for the H-3 project and appropriate construction.

The reason I am here is wearing my hat as chairman of the Appropriations Subcommittee on Transportation. We had this in our bill. We took it out at the specific request of Senator Inouye because he had talked with Senator Stafford and they had agreed to take it up in hearing and I am here to say I think that it is the proper procedure, but also to assure you, on the Legislative Committee that those of us on the Appropriations Committee support this project and to recognize the need for swift action and again to assure you of our total support for it and salute the decision made by Senator Inuoye which I think was the proper decision and to urge you to support it and move it as expeditiously as you can.

Senator SYMMS. Thank you very much, Senator Andrews. Senator Inuoye.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM THE STATE OF HAWAII

Senator INOUYE. Mr. Chairman and members of the committee, on behalf of the people of Hawaii, those who favor H-3 and those who oppose H-3, I thank you for this opportunity to bare the issues involved around H-3, especially regarding the environmental impact studies that the State has been compiling all these years.

Mr. Chairman, Hawaii became a State in August of 1959 and although this is not one of the better known facts, up until then, Hawaii, although it paid all of the taxes involved in highways, never received a penny of benefits. With the passage of the Hawaii Omnibus bill in July 1960, the National System of Interstate and Federal Defense Highway System was extended to the State of Hawaii. On August 10th of 1960, the Federal Highway Administrator approved an interconnected system of interstate and defense routes, H-1, H-2, and H-3. H-1 and H-2 are just about completed and now in operation and we come here today to speak on H-3.

H-3, if completed, will provide a corridor of fast and efficient transportation for use by the military between the Kaneohe Marine Base and the Pearl Harbor Naval Base.

It will also provide a direct link between those people living on the windward side of the Koolau Mountains and those on the leeward side of Oahu.

It may interest the committee to know that at the present time, 97,000 vehicles go through the mountains and by the year 2000, we estimate it will be in excess of 120,000.

The opponents of this project have delayed construction for over 13 years through litigation based on issues related to the Environmental Policy Act and the Endangered Species Act and section 4(f) of the Transportation Act of 1966.

Two and a half months ago, the ninth circuit court of appeals ruled in favor of the Federal and State governments on all issues related to the National Environmental Policy Act, the Endangered Species Act and all provisions of the Federal Aid Highway Act with the exception of section 4(f). In the same decision, the ninth circuit court of appeals overturned the findings of the Federal District Court in Hawaii on section 4(f) banning any further construction of H-3 projects and as a result we are now before this committee asking for some assistance.

I believe that all members of the committee have this colored photograph before you which show the conditions of the area around H-3 in 1960. Between the two circles on the map, you will see a relatively straight line. In 1965, a flood control project was proposed in that area and so in 1967, H-3 was realined and and relocated by the State to provide a 1,400 to 1,500 feet wide area for greenbelt development between the flood control project and H-3.

Then, if you go further to 1971, when the Congress passed the Flood Control Act authorizing the construction of the project in

Kaneohe, it was expanded to include a recreational area, that little green portion of the map.

In 1973 and again in 1974, the State of Hawaii expanded the park limits until the park boundary and the highway boundary became coterminous.

The expansion in 1974 was to prevent further urbanization of the strip of land between the park and the proposed highway. Thus the flood control project and H-3 were the essential ingredients for the creation of the present park known as Ho'omaluhia.

I would like to emphasize the point that in 1960, when we started the project, there was no Ho'omaluhia Park. Ho'omaluhia Park came about because of the planning and construction of H-3.

I think a brief look at the legislative history of 4(f) may be helpful at this stage.

Mr. Chairman, most respectfully, I believe that after studying the legislative history behind the enactment of this section, it suggests and indicates to me that Congress was primarily, if not exclusively, concerned with the construction of highways through existing parks. In fact, all comments and committee reports speak similarly in terms of actual physical intrusion into and through park lands.

For example, in 1968, Congressman Wolfe had this to say: "Intrusion of Federal roads in public lands and parks. . . ." And our dear friend and former majority leader, Senator Mansfield, in discussing the Glover-Archbold Park, said, "Highway builders who want to construct a road bed through a park . . ." and spoke again of ". . . penetrating through the Glover-Archbold Park," and our late friend, Senator Metcalf of Montana, had this to say, "National Parks are sacrosanct and we are not going to go through a recreational area."

I would like to suggest that were it not for the joint planning of H-3 on the park, the park would never have expanded to its present size and I think, in matter of fairness, the State of Hawaii is justified to receive some relief from the Congress.

We have exhausted all legal remedies, including an appeal to the U.S. Supreme Court and so I believe this is the court of last resort and we come to you, Mr. Chairman and members of the committee. If I may, at this time, request that my full statement be made a part of the record, together with a memo that was prepared for me by staff, setting forth legislative precedents on environmental law waivers, especially 4(f), throughout the years.

For example, we speak of the Tellico Dam, the Conrail Assistance Act, the Alaska Railroad Transfer and it goes on and on with about a dozen examples of where the Congress has, in the past, provided congressional relief on matters relating to 4(f).

Senator SYMMS. Your entire statement is part of the record.

Senator INOUYE. I thank you very much, Mr. Chairman.

Senator SYMMS. I thank you very much.

Senator INOUYE. Once again, I thank you on behalf of the people of Hawaii for this opportunity.

Senator SYMMS. Thank you very much, I think you made your case very well. Senator Matsunaga.

STATEMENT OF HON. SPARK M. MATSUNAGA, U.S. SENATOR FROM THE STATE OF HAWAII

Senator MATSUNAGA. Thank you, Mr. Chairman, members of the subcommittee, I wish to join Senator Inouye in thanking you for holding this hearing on a matter of utmost importance to the State of Hawaii.

I am testifying as a cosponsor of the bill S. 1796, introduced by my colleague to allow the construction of a much needed highway linking north and south Oahu.

Mr. Chairman, the merits of this case are indisputable. Senator Inouye has described for you a situation in which a highway has been planned and replanned over a 20-year period in order to conform to environmental standards. Every State and Federal environmental regulation has been complied with, and in many cases exceeded. Major and minor alterations to the route and the construction of the highway have been made time and time again to accommodate those with environmental concerns. The numerous environmental impace statement studies undertaken over the years can leave no doubt that the planner of the highway, that is the Hawaii State Department of Transportation has acted in good faith to meet the objections offered by well intentioned environmental and antidevelopment groups.

The ruling, in a 2 to 1 decision, by the ninth circuit court of appeals, in applying section 4(f) of the Department of Transportation Act of 1966 and section 18 of the Federal Aid Highway Act of 1968, raises the issue of whether or not that court's interpretation was in keeping with the intent of Congress.

I would point out that H-3 and Ho'omaluhia Park, which allegedly would be adversely affected by construction of the highway, have been planned in conjunction with each other from the very outset. Ho'omaluhia Park would not be in existence today if the H-3 planners had not acquiesced to a request for a flood control project 20 years ago and agreed to reroute its H-3 plan to accommodate the project.

Subsequently, at the request of the city and county of Honolulu Parks and Recreation Department, the State agreed to have the park built on the lands adjacent to the highway route and the flood control project. The park was therefore incrementally expanded, ultimately ending up coterminous with H-3 in order to prevent residential and commercial development from interfering with recreational use of the park. It is ironic therefore, that the ninth circuit applied section 4(f) to H-3 by a one-vote decision. It could have gone the other way if just one member voted the other way.

The court ruled that H-3 could not be built on its present route simply because the park was built first without regard for the fact that H-3 accommodated and planned for the park's very existence.

The only alternative the court has left for Hawaii is to build a more expensive, more dangerous and less convenient route that would displace numerous homes and community buildings. As I understand the Federal Aid Highway Act, the ninth circuit court has violated the spirit in which Congress enacted that law.

The basic issue before us today is whether or not building H-3 will, on balance, provide for the transportation demands of the future. The evidence is incontrovertibly in the affirmative.

Oahu's population is presently around 800,000 and by the year 2000, projections indicate an increase of 150,000 persons.

Due to the geography of Oahu, most economic growth will occur in the south central portion of the island as there is no other location available which meets business access requirements.

Many of the employees in this area will reside in the windward bedroom communities of Kaneohe and Kailua. To facilitate their transport to and from work, H-3 must be built.

Senator Inouye mentioned the inability of the two trans-Koolawe highways to meet current and future needs. I can only add to this concern with the comment that the population for the windward side, by the turn of the century, is projected at around 150,000, up from 124,000 in 1980.

As a result of the projected population growth, concerns have been raised regarding possible over development of the windward side if H-3 is built.

Let me put that concern to rest. The population increase I quoted will occur predominantly in the Kailua-Kaneohe-Ahuimanu cluster. These communities have been slated primarily for residential development. Since commercial development will be limited, new residents must find work on the leeward side of the Island, hence the need for H-3 as a commuter highway.

Aside from the limited residential development in the Kailua-Kaneohe-Ahuimanu cluster, development will be at a minimum on the windward side. Why is this? For two reasons. First, on policy grounds. Both the city and county of Honolulu and the State of Hawaii have mandated, in their respective plans, the Oahu General Plan and the State Windward Oahu Regional Plan, that development on the windward side will be restricted. Second, north and south of the Kailua-Kaneohe-Ahuimanu communities, potential development is limited due to geographic constraints.

The south is bordered by Waimanalo Agricultural Park, Bellows Air Force Base, Kawainui Marsh, among other barriers which provide a physical check on residential building in that direction. To the north, beginning with Ho'omaluhia Park itself, are situated a succession of parks: Waiahole Valley Agricultural Park, Kualoa Regional Park, Kahana Valley State Park and Malae Kahana State Park, which present, for prospective developers, formidable physical barriers to growth.

Given the nature of the windward Oahu—very little level, usable land, bounded by steep mountains and the Pacific Ocean—geography mitigates against development inroads.

Mr. Chairman, members of the subcommittee, aside from the arguments we have proposed up to this point, I must also bring to your attention the wide spread support that H-3 has received from the citizens of Oahu, in general, and from the residents of the windward Oahu, in particular.

In virtually all cases, polls indicate support for H-3 at over 70 percent. Clearly H-3 has the mandate of the people.

But H-3 has not only united the majority of private citizens, it has unprecedented bipartisan support in the political community as well.

And, since my time is limited, I will briefly state the names of those who are of the Republican faith who have supported this legislation, and who, in particular, represent the people who live in the windward area: Representative John J. Madeiros and Whitney T. Anderson; acting chair of the city and county of Honolulu City Council, Tony Navaes; and Senator Mary George.

In closing, I would like to reiterate my support for S. 1796, the bill being considered by your subcommittee. H-3 is not simply a highway which will alleviate the ongoing surface communication problems of a thriving island, but an example of how enlightened government can successfully navigate the narrow straits between progress and environmental integrity.

Mr. Chairman, members of the committee, as one whose voting record and sponsorship of legislation during my 23-year career in the Congress fully qualifies me as an ardent environmentalist, I urge you, Mr. Chairman and members of the subcommittee, to report favorably upon the pending measure, with clear conscience. Thank you.

Senator SYMMS. Thank you very much, Senator.

Senator STAFFORD. Mr. Chairman, could I make a suggestion here? I realize that it is in the middle of this panel, but there is a good map of Oahu over here and I think it would be very helpful if Dan, either you or Sparky would point out to the committee on the map the part of H-3 that you want authorized.

Senator INOUYE. This is the Ko'olau Mountains. It divides Central Oahu and the communities of Kaneohe and Kailua. This is H-3 and the point of contention is this area. H-1 and H-2 have been completed and are now in operation. This is the Kaneohe Marine Air Station. This is Pearl Harbor. H-3 would be a direct link from Pearl Harbor to Kaneohe.

Senator STAFFORD. Does the north-south line vertically go through the island as we look at it or where would north be. I'm trying to orient the chart that you have there as to north, south, east, and west.

Senator INOUYE. North, south, east, west.

Senator STAFFORD. So the top of the chart represents north?

Senator INOUYE. Yes.

Senator STAFFORD. And H-3 would run generally from Pearl Harbor across the island in a pretty much, northeasterly direction?

Senator INOUYE. Right.

Senator STAFFORD. Thank you very much.

Senator SYMMS. Thank you very much.

Congressman, welcome to the committee this morning.

STATEMENT OF HON. DANIEL K. AKAKA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mr. AKAKA. Thank you very much, my friend and chairman and members of the committee. I thank you for allowing me this time today to appear before you and to tell you how I feel about H-3.

Senator SYMMS. We'll have an example here of a Member of the House knowing what the 5-minute rule means.

Mr. AKAKA. Thank you very much, Mr. Chairman.

I would like to ask unanimous consent to have my total text be entered in the record.

Senator SYMMS. It certainly will be and we don't want to cut you short either.

Mr. AKAKA. And I also want the record to show that I associate myself with the remarks of my Senators and my House colleague.

I also want to say that my colleague, Cec Heftel wanted to be here today, but was detained by Ways and Means markup of the tax bill and he will submit a statement to the committee.

Senator SYMMS. Without objection his statement will appear in the record right after yours.

Mr. AKAKA. Thank you very much, Mr. Chairman.

We appear before you today as a delegation united in its support of H-3. Last week, Congressman Heftel and I introduced H.R. 3659, a companion bill to the Senate bill introduced by Senators Inouye and Matsunaga. In the House, we have the support of the Public Works and Transportation Committee.

The Surface Transportation and Uniform Relocation Assistance Act of 1985 contains language authorizing the Secretary of Transportation to approve construction of Interstate Route H-3.

H-3, Mr. Chairman, was conceived in August 1960 as part of Hawaii's Interstate and Defense Highway System consisting of H-1, H-2, and H-3. H-1 and H-2, as mentioned by Senator Inouye, have been completed and are in service. Upon the completion of H-3, the system will provide an integrated transportation facility connecting the major population areas, employment centers and major defense installations on the island of Oahu as was pointed out by Senator Inouye.

What I want to emphasize to the committee, Mr. Chairman, is that Ho'omaluhia Park, originally designed as a 75-acre recreation area, was ultimately expanded to its current size of 223 acres so that it's boundary would become coterminous with the H-3 right of way.

The boundary of the park was extended up to the highway to prevent any possible development along the edge of the park, thereby allowing the highway to serve as a natural buffer zone to the park. Nearly two decades of coordinated planning between the park and H-3 were virtually ignored by the Ninth Circuit Court of Appeals in its rulings.

Mr. Chairman, I firmly support the requirements of section 4(f) that the impact of highway projects on parks be minimized. Had I been in Congress when the legislation establishing section 4(f) was enacted, I would have readily given it my support.

It was in an effort to meet the requirements of section 4(f) that State officials expanded the boundary of Ho'omaluhia Park to meet the H-3 right of way. Simply stated, Ho'omaluhia Park would not enjoy its expanded boundary were it not for the extensive planning by park and highway officials to minimize any adverse environmental impact on the park. This is precisely the kind of environmental mitigation that was envisioned when section 4(f) was drafted.

I will not repeat the statistics on the need for the completion of H-3. I refer you to the statements again given by my Senators and that will be given by my colleague, but I want to reiterate that there is an urgent need for congressional action to provide the only practical relief under these circumstances.

H-3 is a unique case where a park was actually enlarged by agreement of officials at every government level to the boundary now shared by H-3. I believe that we, in Hawaii, have no other alternative than to seek congressional relief for the completion of H-3.

Mr. Chairman, I thank you for this opportunity to present my testimony on the necessity for this completion. Thank you very much.

Senator Symms. Thank you very much. Thank all three of you. Senator Stafford, do you have any questions?

Senator Stafford. I have just one question, but why don't you go ahead for now.

Senator Symms. I have just one question. It's been widely reported that you're trying to exempt every Federal regulation. Do I understand it correctly that what you really need the exemption from is section 4(f), about park lands and then the project can move ahead. Is that all it would take, just a simple exemption from that?

Senator Inouye. If I may respond, Mr. Chairman.

Senator Symms. Certainly.

Senator Inouye. Most respectfully, I believe that the opposition to H-3 is obstructionist in nature. I don't believe that the concern is so much about the specific environmental laws and their challenge on H-3. I would like to point out that the district court and the Ninth Circuit Court upheld the State and the Federal on all aspects of the National Environmental Policy Act, the Endangered Species Act, and the Federal-Aid Highway Act, with the exception of 4(f).

However, if we drew a bill with language that was extremely narrow, just focusing on 4(f), I believe that H-3 would once again come under attack on some other technicality or some tangential issue relating to 4(f), pushing the project beyond the September 30, 1986 deadline.

Mr. Chairman, I would like to point out for the record, these stacks of documents that we have here. I doubt if any other highway constructed since 1960 has had to go through this exercise. These environmental impact studies, public hearing transcripts, and other special studies represent literally thousands upon thousands if not millions of dollars. I believe the State of Hawaii has gone the extra mile to accomodate those with environmental concerns and as Senator Matsunaga stated, heard I have been, as the record will show, in the forefront in support of environmental laws. Indeed, I had the privilege of voting for section 4(f) when it was brought before us in the U.S. Senate.

That is why the language is so broad and it may be, at first blush, as though we are trying to get away with something, but we have already met all of the requirements of the environmental impact laws, the Endangered Species Act, but we thought that we should cover every possible area so that no further issue can be raised to further delay this project. That's why we did this.

Senator SYMMS. Thank you very much. Senator Stafford, do you have a question?

Senator STAFFORD. Yes, I have one, Mr. Chairman, that I will address to either of the Senators and that is this, gentlemen. As I read the language of S. 796 and H.R. 3659, the language would exempt H-3 from all Federal laws. This would include such laws as clean water and clean air acts, Civil Rights Act, Davis Bacon and Federal Design Standards, to name just a few.

Was this your intent in drawing the bill?

Senator INOUYE. That is not the intent, but as I pointed out, Mr. Chairman, I sincerely believe that the opposition is strictly obstructionist in nature and if we had not drafted such language, then any section of the laws of the land available for any sort of issue, I believe, would have been brought forward.

I would like to point out that even if those sections had been cited in the bill, we have applied ourselves, conformed ourselves and followed every aspect of every law and as I pointed out the district court and the Ninth Circuit Court so indicated that we have fulfilled every requirement necessary under the environmental laws, the Endangered Species Act and the Highway Act.

Senator SYMMS. Thank you very much. We have been joined by Senator Burdick. Senator Burdick, did you have a statement or any questions?

Senator BURDICK. I have a statement and request that it be made a part of the record.

Senator SYMMS. Without objection, it will be appropriately placed at the beginning of the hearing right after my statement.

Senator BURDICK. I have a question. I think I'll start with the Senior Member first. I understand from the testimony that this project has been in being for some 20 years or more.

Senator INOUYE. Since 1960, sir.

Senator BURDICK. The location shown on the map there, had been under study for that same period of time?

Senator INOUYE. Yes, sir. Since we became a State in 1959 and soon thereafter, as the Senator recalls, we passed the Hawaii Omnibus Act which extended the Interstate and Defense Highway Act for the State of Hawaii. Up until then we had no interstate highways and as the first three projects, H-1, H-2, and H-3 were initiated in 1960.

Senator BURDICK. Is that the time you began the project of planting trees along the stretch of the highway area?

Senator INOUYE. At that time, this was forest land, but in 1965, the Corps of Engineers suggested that we should have a flood control project, so in 1965, in order to accommodate that, we realigned the highway project to go around this area together with a protective barrier of recreational area. We further extended that to make a buffer so that there will be no urban development along the park.

We built the park. It's not a situation where you had a park and we're now requesting that this highway go through this park. That's my point.

Senator BURDICK. The park is manmade and was envisioned over 20 years ago?

Senator INOUYE. That's right, sir.

Senator **Burdick**. And the trees were planted and the park was made?

Senator **Inouye**. That's right.

Senator **Burdick**. And now some people are saying that you shouldn't interfere with the park?

Senator **Inouye**. That's right.

Senator **Burdick**. Is that the objection being raised by the opponents?

Senator **Inouye**. Yes.

Senator **Burdick**. You responded initially that the court of appeals relied on a previous decision where the highway went through the park and there was only one case on which it relied.

Senator **Matsunaga**. I have been trying to find the name of the case here. I can't seem to locate it off hand.

Oh, here it is. It's the *Overton* case. Ours is a case where the highway proposes not to go through a park, but adjoining a park and adjoining only because the State agreed to extend that area of the park right up to the highway in order to avoid the construction of homes and other buildings in order to preserve the park right up to the highway; and I might also point out in response to the question put by Senator Stafford, that I have here a list of the regulations and laws by which the State has been guided. There are 11 laws which the State has complied with in 73 instances. I ask unanimous consent to submit this for the record, Mr. Chairman.

Senator **Symms**. Without objection, so ordered.

[The list referred to follows:]

FEDERAL COMPLIANCE

FEDERAL LEGISLATION & REGULATION	FEDERAL STATUTORY REGULATORY COMPLIANCE	U.S. DISTRICT COURT COURT COMPLIANCE AFFIRMED	U.S. NINTH CIRCUIT COURT OF APPEALS COMPLIANCE AFFIRMED
1. **General Environmental Requirements**			
Legislation:			
National Environmental Policy Act of 1969	x	x	x
42 U.S.C. 4321-4347	x	x	x
23 U.S.C. 109(h)	x	x	x
Transportation Act of 1966 (Section 4(f))	x	x	REJECTED
49 U.S.C. 303	x	x	x
23 U.S.C. 138	x	x	x
Regulations:			
40 CFR 1500 (CEQ regulations)	x	x	x
23 CFR 771	x	x	x
E.O. 11514	x	x	x
E.O. 11991	x	x	x
2. **Public Involvement and Design/Location Approval**			
Legislation:			
23 U.S.C. 101	x	x	x
23 U.S.C. 109(h)	x	x	x
23 U.S.C. 128	x	x	x
23 U.S.C. 315	x	x	x
49 U.S.C. 1651(a)(b)(2)	x	x	x
49 U.S.C. 1657(c)(1)	x	x	x
Regulations:			
49 CFR 1.48(b)	x	x	x
23 CFR 771.111(h)	x	x	x
40 CFR 1506.6	x	x	x

3. Historic and Archeological Preservation

Legislation:			
National Historic Preservation	x	x	x
Act, as amended (Section 106)	x	x	x
16 U.S.C. 470	x	x	x
Archeological and Historic Preservation Act	x	x	x
16 U.S.C. 469 (a)	x	x	x
Antiquities Act and Archeological Resources	x	x	x
Protection Act			
16 U.S.C. 431-433	x	x	x
Regulations:			
23 CFR 771	x	x	x
36 CFR 60	x	x	x
36 CFR 63	x	x	x
36 CFR 65	x	x	x
36 CFR 251.50-64	x	x	x
36 CFR 800	x	x	x
43 CFR 3	x	x	x

4. Clean Water Act

Legislation:			
Clean Water Act	x	x	x
33 U.S.C. 1251-1376	x	x	x
Regulations:			
23 CFR 650 (Subpart B)	x	x	x
40 CFR 120, 122-125, 128-131, 133, 135-136, 148	x	x	x

FEDERAL COMPLIANCE

FEDERAL LEGISLATION & REGULATION	FEDERAL STATUTORY REGULATORY COMPLIANCE	U.S. DISTRICT COURT COURT COMPLIANCE AFFIRMED	U.S. NINTH CIRCUIT COURT OF APPEALS COMPLIANCE AFFIRMED
5. Safe Drinking Water Act			
Legislation:			
Safe Drinking Water Act	x	x	x
42 U.S.C. 300(f), (j-6)	x	x	x
Regulation:			
23 CFR 650 (Subpart E)	x	x	x
6. Floodplains			
Legislation:			
National Flood Insurance Act	x	x	x
42 U.S.C. 4001-4128	x	x	x
Regulations and Executive Orders:			
Evaluation of Flood Hazards	x	x	x
E.O. 11988	x	x	x
23 CFR 771	x	x	x
23 CFR 650	x	x	x
24 CFR 1910	x	x	x
7. Endangered Species			
Legislation:			
Endangered Species Act	x	x	x
16 U.S.C. 1531-1543	x	x	x
Regulations:			
50 CFR 17	x	x	x
50 CFR 402	x	x	x
50 CFR 424	x	x	x

8. Wildlife			
Legislation:			
Fish and Wildlife Coordination Act	x	x	x
16 U.S.C. 661-666	x	x	x
Regulations:			
23 CFR 771	x	x	x
50 CFR 410	x	x	x
9. Farmland			
Legislation:			
Farmland Protection Policy Act	x	x	x
7 U.S.C. 4201 et seq	x	x	x
Regulation:			
7 CFR Part 658	x	x	x
10. Air Quality			
Legislation:			
Clean Air Act	x	x	x
42 U.S.C. 7400	x	x	x
23 U.S.C. 109(j)	x	x	x
Regulation:			
23 CFR 770	x	x	x

FEDERAL COMPLIANCE

FEDERAL LEGISLATION & REGULATION	FEDERAL STATUTORY REGULATORY COMPLIANCE	U.S. DISTRICT COURT COURT COMPLIANCE AFFIRMED	U.S. NINTH CIRCUIT COURT OF APPEALS COMPLIANCE AFFIRMED
11. Energy			
Regulation and Executive Orders:			
Section 1502.16(e) of CEQ regulations (Discussion of Energy in EIS) November 29, 1978	x	x	x
Executive Order 12185, "Conservation of Petroleum and Natural Gas" (December 17, 1979)	x	x	x
12. Esthetics			
Legislation:			
National Environmental Policy Act of 1969, Title I Department of Transportation Act of 1966, as Amended	x	x	x
Regulations:			
23 CFR 752	x	x	x
23 U.S.C. 138	x	x	x
13. Joint Development			
Legislation:			
23 U.S.C. 109(h)	x	x	x
23 U.S.C. 111	x	x	x
Regulation:			
23 CFR 1.23	x	x	x

14. Noise			
Legislation:			
23 U.S.C. 109(1)	x	x	x
P.L. 91-605	x	x	x
Regulation:			
23 CFR 772	x	x	x

Senator **Matsunaga**. There are 73 instances of requirements of the Federal law with which H-3 had to comply. In all 73 instances the State had complied with the law, according to the determination of the U.S. District Court of Hawaii. In the decision of the Ninth Circuit Court of appeals, every one of the 73 requirements was complied with, except one, only one.

Senator **Burdick**. May I pursue my point? When this highway was conceived, this park was not built?

Senator **Matsunaga**. That is correct, sir.

Senator **Burdick**. In other words, after the road was conceived, then the park was built?

Senator **Matsunaga**. That's correct.

Senator **Burdick**. And now they're claiming that you're interfering with the park?

Senator **Matsunaga**. That is right, sir.

Senator **Burdick**. If there was no park, there would be no objection.

Senator **Matsunaga**. If the State of Hawaii decided not to build a park, we would not be here today sir.

Senator **Burdick**. Thank you very much.

Senator **Symms**. Senator Stafford has another question.

Senator **Stafford**. I thought I only had one question, but I did look at the proposed piece of legislation and I would say to my friends, the two Senators, my eye was caught by one feature here which isn't necessarily essential to the building of H-3, but the statute proposes to say, "Notwithstanding any other provision of Federal law enacted heretofore," which I would expect, but then it says, "* * * or subsequently."

This Senator would doubt that if we could bind a subsequent Congress by somethng that we're saying here. So, I thought that that was an unusual phrase to have in there.

My real question would be, how do we act on this committee, should we agree to supporting this legislation when other States come to us and say, well, committee, you exempted Hawaii from these laws, we want to be exempted, too.

Senator **Inouye**. I can well understand the chairman's concern and especially the fact of laws that are not even considered or enacted and I apologize for the oversight, sir.

Senator **Matsunaga**. I might point out in that connection, Mr. Chairman and Senator Stafford, that we had a case, you may recall, pertaining to the requirements of a secondary sewage treatment plant on Sand Island, off Oahu, and we went through this whole process of specifying an exemption because that was a situation where all the experts testified that the secondary treatment would be adverse to the environment rather than helpful. Now this was an exception made specifically for Hawaii because Hawaii is up in the middle of the Pacific Ocean with no neighboring States to affect by its actions; now we have a case where we have complied with all the necessary laws and the regulations, except one. The decision of this one judge, which could have turned the whole thing around, it was a 2 to 1 decision, was in error and not in accordance with the intent of the law which Congress enacted. Thus we are here to ask Congress to correct the situation.

Senator **Stafford**. Thank you, Senator. I think, at least in the view of this member of the committee, the reputation of both of you for supporting environmental issues and the record of Hawaii is very good in that area also and we know that.

Senator **Symms**. Senator Chafee, do you have any questions at this time?

Senator **Chafee**. There was a series of points made in the National Wildlife Federation testimony and one of them is that it will bisect the presently roadless north Halawa and Haiku Valleys. It will destroy significant archeological resources, particularly some ancient agricultural terraces, graves, temples. It will necessitate a 2-mile-long tunnel which would tunnel through an ancient volcano, causing problems with the water table. Is that so about the water table?

Senator **Inouye**. All of these matters were considered as the studies would show and the environmental impact studies will also indicate. These matters were considered, as Senator Matsunaga pointed out, by the two courts, the district and the circuit court and in each case cleared and, in fact, the State and the Federal governments were commended for the tedious steps taken to make certain that these concerns were covered. The only portion that the court disagreed with was on 4(f).

Senator **Matsunaga**. I might point out that this chart, which I will submit for the record, Senator Chafee, outlines that under historical and archeological preservation, the National Historic Preservation Act, as amended, section 106, has been complied with. The Archeological and Historic Preservation Act has been complied with, the Antiquities Act and Archeological Resource Protection Act has been complied with, and all the regulations pertaining thereto have been complied with and under the Clean Water Act, all legislation, regulations pertaining thereto have been complied with according to the decision of the district court and the court of appeals.

Senator **Chafee**. Thank you very much.

Senator **Symms**. Thank you very much, my colleagues. I appreciate your being here with us this morning.

Senator **Symms**. The next witness is the Honorable Ray Barnhart, Administrator of the Federal Highway Administration.

Mr. Barnhart, welcome to the committee. Your entire statement and additional material will be part of the record.

STATEMENT OF RAY A. BARNHART, ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION

Mr. **Barnhart**. Thank you, Mr. Chairman. I am pleased to be here along with Dick Morgan, our Executive Director.

In deference to the time restraints and to this committee and to those folks who have come over here from the State of Hawaii, I will simply submit the statement for the record and not go through it.

I would like to address this issue, however, and have Dick go through some of these charts to demonstrate what has happened and the abuse of well-intended law, and necessary law but law which has come to be used by elitists who would deny other people access to those very facilities that they allegedly regard so highly.

I come here personally to affirm how strongly the Federal Highway Administration feels about this issue. I believe Federal Highway has an outstanding record of sensitivity to matters affecting the environment. But the issue at hand goes far beyond H-3 in itself, for we cope with these problems every day of the week. It seems that more than half of all of our court challenges are on this one issue of environment, where folks try to thwart necessary projects which people need by seizing upon technicalities of the law to force delay.

Senator SYMMS. Has 4(f) caused problems at other places or is it just this one?

Mr. BARNHART. Absolutely, Senator and it is just unbearable. We will explain some of that as we get further into our testimony.

Last year we had more than 1.7——

Senator CHAFEE. Are you suggesting getting rid of 4(f)?

Mr. BARNHART. No, sir, I am not, Senator. I would not. I said it's a desirable and necessary law but it does need some refinement because of the abuses which have occurred.

Last year we had 1.7 trillion miles driven on our Nation's highway system and we project a 60-percent increase by the turn of the century.

Now the Congress is talking about cutting down the budget of the Federal Highway Administration after increasing the gasoline tax just a couple of years ago. We're not talking about a $14.4 billion program; we dropped it down to $13.25 billion, down to $12.75 billion, and possibly down to $12.5 billion or even lower.

At the same time, you see to my left, the equivalent of three quarters of a billion dollars—three quarters of a billion dollars since H-3 was first conceived and started to be planned. Now, $250 million of that is logical because of the relocation of the road from the one valley to the other, but another half a billion dollars of costs have been added due to delays caused by a handful of people who do not represent the majority of people on that island, nor a majority of the elected officials, nor people who have the responsibility for the conduct of that State's economy.

We're talking about economy, we're talking about productivity in this country and yet we deny the very productivity we say we want to achieve. It is a most serious problem, Senator, and I would hope that when you address H-3, you will not just stop there to give relief to that State, but you will also look at some of the broader problems we have. We need some modifications of language to that basic law.

I don't want to abolish the law, but we've got to have some flexibility in handling these environmental issues.

Dick, do you want to go through some of these charts?

Mr. MORGAN. Mr. Chairman, Senator Inouye pointed out the overall orientation of the project to the island. Over on your right, the chart underneath that is a graphic that shows the alignment of H-3 in more detail.

Mr. Barnhart mentioned that $250 million dollar increase because of a shift in alignment. The green line, on the graphic, was the line in the early 1970's. It goes up through Moanalua Valley.

That line was shifted north, to the north Halawa alignment because of a 4(f) issue in the valley and that represented an increase in cost of some $250 million, but the part of the line in question, at this point in time, is——

Senator SYMMS. Is that because of more expensive right of way access or what?

Mr. MORGAN. Yes, expensive right of way and construction.

Mr. BARNHART. In order to accomodate environmental concerns, Senator. So we added a quarter of billion dollars in order to accomodate those environmental concerns.

Mr. MORGAN. On your left is the part of the line in contention which goes around the park. This was discussed by both the Senators, the relationship of the park and the development of the park with H-3.

This is the park and the highway as they coexisted in the late 1960's and early 1970's. In 1974, State and local officials were concerned about this buffer strip, that commerical development might occur, and therefore they extended the park boundary to be coincident with the highway right-of-way as shown on this overlay.

This is the park boundary now, as revised in 1974, along with the highway. The issue was litigated throughout the 1970's and the district court found, in 1980, that the State had complied with 4(f) and that there was not a prudent and feasible alternative to the line as it existed. That is the decision that the court of appeals overturned in 1984.

The court of appeals suggests that dismissal of either a no-build alternative or the alignment shown in red was not proper because they could be considered feasible and prudent alternatives.

The red alignment, the one that the court requested more study on, cost some $42 million more than the current alignment in this area. It takes 31 homes, 4 businesses and a church and it involves, as you can see, operational geometric and safety problems. A loop right there would be required. It's also on a viaduct down here which is out of character with the rest of the area.

The State finds itself in this quandary because of a decision based on a law to protect the park, whose boundary was expanded to take advantage of the protection provided by the highway.

The court relied on Overton Park, the landmark 4(f) decision, in reaching its conclusion. I would point out that Overton Park was a city park, where there was a major physical right-of-way taking, and major impacts on the park because of the highway. This situation involves no taking of land, no adverse impacts and, in fact, the park boundary was expanded to take advantage of the highway.

We believe the project to be important to the transportation service in Hawaii and we support its construction as proposed by the State.

Mr. BARNHART. Senator, I am appalled at the cost of this project and the additional half a billion dollars that has been imposed in order to construct this facility. At the same time I do not think the State should be penalized because of Federal law being seized upon by a handfull of people which resulted in this additional cost. That is the thing that concerns me, but we have it throughout this entire country.

As I say, we don't want the repeal of legislation protecting the environment, but we do call for some common sense in how to interpret that legislation so we can be prudent managers of the public funds that are at our disposal.

Senator SYMMS. Thank you very much. I will work with you to try to develop some reasonable solution to this. I won't keep you here any longer unless there are questions from my colleagues here because we do have witsses that have come a long way that are waiting to testify. Senator Chafee, did you have a question?

Senator CHAFEE. I would just like to ask a couple of questions about that alternative route that you show on the map there because that has come up and, indeed will come up, I presume in more of the testimony.

I don't think that many people are opposed to H-3 being constructed, it's just this particular section. Could you again describe what is the problem with that? I know that the loop looks tight, but I can't believe that you can't make a wide loop less tight. I'm talking about the loop up there. Is that correct?

Mr. BARNHART. Among other things, Senator, we would not disrupt a single home or individual or business by going where the road was intended to be prior to the time they created the park and then expanded the park boundaries. If you choose this alternative, you're going to take 31 homes, 4 businesses and 1 church. Now to me, that seems to have significant impact.

Senator CHAFEE. Accepting those problems, what else about the traffic and so forth? You say the loop is too tight?

Mr. MORGAN. Yes, sir.

Senator CHAFEE. Well, can't that be fixed?

Mr. MORGAN. It's very difficult. The terrain—the dark on the map, it's mountainous. We're stuffed in a very narrow valley right there and that causes that loop to be extremely tight. To get down in elevation, you have to have a loop; you can't have a direct connection.

Senator CHAFEE. Continue with your point, could you, please? Then you come around there and somebody said to me that was already an unlimited access highway, is that true?

Mr. MORGAN. There is a highway there, Senator. There is a viaduct here though because of the elevation that viaduct would be, generally, out of character with the rest of the area. It would be elevated here. It would be depressed here around the park coming on this alignment instead of if it were elevated in here.

Senator CHAFEE. I don't quite know that you mean by "out of character with the area."

Mr. MORGAN. Well, there's some existing residences and development along here and the highway would be rather obtrusive.

Senator CHAFEE. I see. OK, fine, thank you.

Senator SYMMS. Senator Abdnor.

Senator ABDNOR. No questions.

Senator SYMMS. Thank you very much.

Mr. BARNHART. We will leave our exhibits in case anyone else cares to use them.

Senator SYMMS. I think we did have a problem on this same situation in Wallace, ID.

Mr. BARNHART. Yes, sir. It just added a few millions of dollars.

Senator **Symms**. Thank you very much, Mr. Administrator. One thing about our Highway Administrator, we don't have to put him down as undecided.

The first panel from Hawaii that we welcome here to the committee, we have Hon. Mary George, a member of the Hawaii State Senate; Cynthia Thielen for Hon. Robert Nakata, vice chairman of the House Agriculture Committee, member of the House Finance Committee; Hon. Marshall Ige, vice speaker of the House; Hon. Charles Toguchi, vice chairman of the Senate Transportation Committee. We welcome all of you to the committee and Mary George, if you would like to start, we'll get you started.

STATEMENT OF HON. MARY GEORGE, MEMBER, HAWAII STATE SENATE

Senator **George**. Thank you very much, Mr. Chairman. I am sure that you won't take it wrong if I express really deep gratitude repeating again what our congressional delegation has told you. It's a privilege to be able to testify before you. I think it is important for you to know that you're our last best hope. We have exhausted all other remedies to get the highway built. You're the only chance we have. Time is running out and we no longer have the opportunity to correct what we feel to be an egregious decision on the part of the ninth circuit court.

I have come a rather different route to come here. I came back from a vacation in Europe (I hope it was a well-deserved one) when I found out that this hearing was to be afforded us for the consideration of H-3 I came back because I realized that, looking around among the people who have come from Hawaii, I am the only one who was around and who participated in the creation of the park that is now being used as the excuse for not building H-3. I thought that it was important for me, as a participant in that action, to say that I guarantee the highway was planned, the highway configuration was set and that we then saw an opportunity to expand upon a flood control project which had been set up for us, once again by our congressional delegation, a flood control project which was to prevent the recurrence of a dreadful disaster that had occurred. We saw an opportunity to expand on the flood control project to create a park using the highway alignment as a natural boundary and that is what we did.

I assure you that there was nothing there, not even a gleam in anybody's eye, when the highway was planned. I think, perhaps I am forcibly reminded, because the park is now being used as a reason for not building the highway.

I am reminded of the antique story about the guy who took an axe to his mother and father and then threw himself on the mercy of the court because he was an orphan. It's pretty much the same kind of situation.

It's very tempting to turn people into black and white, as in this situation, where people who are for H-3 must therefore be antienvironmental. I think perhaps it's important for me to identify myself as an environmentalist. Senator Matsunaga erred, I am not a member of the Sierra Club. It's not that I am not synpathetic with them, but I try not to be a member of organizations which testify before me as a senator. That is the only reason. I am a contributor to environmental causes. I have received environmental awards and I am an environmentalist and I am very, very much for H-3.

Senator Symms. Thank you very much for your testimony. Your entire statement will be a a part of the record and we appreciate it Senator George and hope that you have a nice visit here.

Cynthia Thielen.

STATEMENT OF HON. ROBERT S. NAKATA, REPRESENTATIVE, HAWAII HOUSE OF REPRESENTATIVES

Ms. Thielen. Chairman Symms and members of the committee, I have been requested by Representative Robert Nakata to read his testimony.

Senator Symms. I will read the testimony. If you will excuse me, I have got to step out of the room here for a second.

Ms. Thielen. Senator Symms, if you would excuse me, just a minute before you do, I have a telegram from the mayor of the city and county of Honolulu and the members of the city council. I would like very much for you to hear this.

> Dear Senator Symms. We the undersigned are opposed to the proposed action of the Congress to circumvent and make null and void the purpose and/or intent of Section 138 of Title 23, United States Code and Section 303 of Title 49, United States Code as relating to the proposed construction of a Hawaii State highway known as H-3. We are in complete agreement that this issue should be resolved at the local level. There has not been an opportunity for state and local representative bodies to establish priorities and current policies on how limited federal funds should be spent, vis-a-vis H-3 as opposed to transit needs on our major highways, H-1 and H-2 and the current trans Ko'olau Corridor which serve more than 80 per cent of our motoring public. Signed Frank F. Fasi, Mayor of the City and County of Honolulu. Patsy T. Mink, Council Member, Welcome C. Fawcett, Council Member, Marilyn Bornhorst, Council Member. Letter will be following.

A similar telegram has been sent directly to you, Senator Symms.

Senator Symms. I have the telegram. Thank you very much.

I will return shortly, but I have a couple of phone calls I have to make.

Ms. Thielen. Thank you. I will continue with Representative Nakata's testimony that he requested me to read.

> I am State Representative Robert S. Nakata of the Hawaii State House of Representatives, where I am Vice Chairman of the Committee on Agriculture and a member of the Finance Committee.
>
> I have been opposed to Interstate H-3 for many years for a number of reasons. Let me elaborate on one of these reasons.
>
> The financial resources of the State of Hawaii for land transportation are very limited. As with nearly all states, Hawaii was caught in the inflationary pressures of the late 1970's and early 1980's. Construction and repair and maintenance costs rose dramatically. Revenues did not keep pace for two basic reasons. First the gas tax is a per gallon gas tax, not a per cent of price tax or ad valorem tax. Second, the gas conservation movement brought on by high gas prices has nearly doubled gas mileage, again reducing gas tax revenue.
>
> The resulting financial squeeze on the State Highway Fund led the State Legislature to transfer the 4 percent general excise tax revenue from the sale of gasoline to the Highway Fund, a sum of $15 million annually. All other revenue from the general excise tax goes into the State General Fund. The transfer was temporary until June of 1984, at which time it was extended to June of 1985 because of continuing problems, especially poor road maintenance. It has now been extended to 1991, along with an increase of the gas tax from 8½ to 11 cents per gallon and increases in the vehicle weight tax.

By 1991 or 1992, the Highway Fund is again expected to be in trouble for the same basic reasons of inflation and fall off in revenue. Debt service in the Highway Fund is running at about 40 percent. If H-3 construction were to begin now, by 1991 or 1992, the annual debt service for the state's portion of H-3 construction costs would be reaching its peak, further straining the Highway Fund. At that point, the excise tax transfer will again be subject for extension. This transfer takes funds away from such state programs as education, health and welfare. With Federal cut backs in these areas, there is likely again to be pressure against the transfer.

Also in this 1985-1991 time frame, the City and County of Honolulu may be implementing a mass transit system which will need huge infusions of local, state and federal funds. Many feel as I do that this is the priority transportation issue for Honolulu, even above the H-3. How will Hawaii pay for both and continue needed highway construction maintenance throughout the state?

I should now state that I am opposed to H-3 because I do not believe that it will alleviate the traffic problem it is meant to alleviate. Simply put, according to the general plans for the City and County of Honolulu, the primary urban center of Honolulu or downtown Honolulu has and will continue to have 80 per cent of the employment opportunities for Oahu. H-3 does not go to downtown Honolulu.

Additional lanes on existing highways, overpasses, underpasses, interchanges and reversible lanes on *existing* highways, removal of trucks at rush hour and flex time are far cheaper solutions for Windward Oahu traffic going to Honolulu. The bulk of the H-3 funds could then be used on a mass transit system to serve urban Honolulu, and Central and Leeward Oahu where the major population growth is occurring. Construction jobs would still be created by substitute projects using portions of the H-3 funds.

I urge you not to pass S. 1796. Thank you for this opportunity to testify.

Ms. THIELEN. I have been requested by other groups to facilitate their testimony. An individual letter from City Councilwoman Marilyn Bornhorst is in the record before you. The Kahaluu Neighborhood Board. Our Island is served by neighborhood boards that are elected by the voters and the Kahaluu Neighborhood Board is in the subject area on the windward side and they have come out in opposition, by resolution, to H-3 and in favor of transferring the funds to transit.

Senator CHAFEE. Let me ask you a question. Mayor Fasi is mayor of the city and county of Honolulu. The county encompasses how much? In other words, is this northeast side of the island, the Kaneohe side, is that within his——

Ms. THIELEN. Senator Chafee, the entire island of Oahu is the city and county of Honolulu. Mayor Fasi represents the entire island of Oahu.

Senator CHAFEE. So it can't be said that he's just battling for parochial interests in trying to protect the city of Honolulu vis-a-vis Kaneohe or something?

Ms. THIELEN. No. That is very correct and very perceptive. He is not and he has come out with the council members in opposition to this legislation being passed.

Senator CHAFEE. Now the council members, they are elected island wide—the mayor is?

Ms. THIELAN. Yes, the mayor is. The council members and elected by district.

Senator CHAFEE. All right, the next witness——

Ms. THIELEN. Excuse me. I had testimony that I was to give at this point individually and I will submit the other testimony from the other organizations into the record before you, but I would like to proceed to my brief testimony individually.

Senator CHAFEE. I thought you were testifying for Mr. Nakata.

Ms. **THIELEN**. That is correct and I was asked to present the other testimony and then I had my individual testimony to give as a former staff attorney for the city and county of Honolulu, planning and zoning committee.

Senator **CHAFEE**. All right.

Ms. **THIELEN**. I'll be fast.

Senator **CHAFEE**. All right, please.

STATEMENT OF CYNTHIA THIELEN, STOP H-3 ASSOCIATION

Ms. **THIELEN**. I am drawing upon my experience as a former staff attorney for the planning and zoning committee of the city council. I presently am an attorney for the Stop H-3 Association and Life of the Land.

The city council has enacted a general plan and a development plan. The entire island of Oahu, as I mentioned to you, Senator, is a part of the city and county and all growth and development is controlled by the city and county, general plan and development plan.

Building permits are issued by the city and county and only if city and council has made the land use designation comply with the designation for building. Windward Oahu has been scheduled for relatively little growth, little development. If you will note and I am just going to show you on the map your rural area, your windward Oahu is over on this side. It has two bedroom communities. It has been scheduled for relatively little development. Your major growth is taking place over here in the Ewa area. H-3 does not serve the Ewa area.

Now part of the general plan of the city and county of Honolulu also dictates that you will live where your jobs will be. They are trying to alleviate this situation of mass transportation to and from work. So the growth is scheduled for Ewa.

On Ewa, there is going to be—well, the deep draft harbor is already in progress. The Ewa Marina, the West Beach Resort area, which is supposed to be a second Waikiki Beach and the area will eventually employ more people than do the sugar, pineapple industries on Oahu.

Housing, as I say, is mandated by the city's procedures to be located by the job area. This translates into the following figures that I think are relevant to the Senators.

In 1980, windward Oahu had 14.3 percent of the total population on Oahu. Again, this is the windward side. In the year 2000, the city and county land use law provides that this population percentage will drop and will only be 12.4 up to 13.6 of the total population of Oahu.

Now in the Ewa plain where I showed you——

Senator **CHAFEE**. Yes, but the percentages might be lower, but the total population might be vastly greater.

Ms. **THIELEN**. Total population growth—that's very perceptive. Total population growth on the windward side is contemplated to be approximately 15,000 people. So that is perceptive, but when it translates to our figures, it is relatively little growth.

In the Ewa plain, the population will grow significantly from 4.7 of the total population to anywhere from 9 to 10, an increase of

56,177 people in Ewa. I should note that Ewa is called the secondary urban center in the city and county's land use planning scheme. Ten thousand jobs are projected at the Ewa secondary urban city.

I just would like to close in stating that you are being asked to exempt what now is the most expensive highway yet to be built in the entire United States, from the law to serve an area where the city and county has mandated modest growth, capping off at approximately 15,000 people while the transportation needs of the fast developing secondary urban center will be necessarily ignored.

I respectfully submit that this highway is not justified on the merits as will be testified to by other opponents of this legislation and that laws such as the 4(f) statute, the Endangered Species Act, which has an area that has not yet—with which there has not yet been compliance, National Historic Preservation Act, which again is an act that is violated, should not be eroded piece meal by exempting H-3 from all provisions of Federal law.

The city and county is not in favor of this legislation and believes that it should be dealt with at a local level between State and county officials.

Senator SYMMS. Thank you very much.

The Honorable Marshall Ige.

STATEMENT OF HON. MARSHALL IGE, VICE SPEAKER, HAWAII HOUSE OF REPRESENTATIVES

Mr. IGE. Mr. Chariman, when you said, Aloha, I could have sworn you were from Hawaii. If you would like to move westward from the great State of Idaho, you can be assured that you qualify with flying colors.

Senator SYMMS. I don't have any intention of moving but we do have an Owyhee County if that qualifies me for anything. It's spelled slightly different, but some people call it Hawaii County.

Mr. IGE. Mr. Chairman, thank you for the opportunity to appear before this committee.

My name is Marshall Ige and I serve my colleagues as their vice speaker in the House of Representatives, State of Hawaii.

Before I express some thoughts that I had, I would like to make one correction that the council in Honolulu is elected by districts and not at large.

Senator CHAFEE. How about the mayor?

Mr. IGE. The mayor is elected at large.

Senator CHAFEE. Some of the districts would encompass the Kaneohe Area?

Mr. IGE. That is correct. And there are nine council members in Honolulu.

I appear before you this morning fur two basic reasons, No. 1, to present testimony, which you have before you, on behalf of Representative Taniguchi, the chairman of the House Committee on Transportation. Unfortunately he was scheduled to be here with us this morning, but due to an illness could not make the trip.

And also, my second reason is to inform you that the House leadership supports the chairman's testimony and efforts by our congressional delegation, but also to highlight a portion of his testimony and I quote:

> The State funding mechanism to complete the Defense and Interstate System in Hawaii, including H-3, is in place with the passage, during last years legislative session, of a comprehensive tax package increasing gasoline vehicle weight and vehicle registration fees.

And I would also like to share with you that this measure passed both Houses with tremendous support.

Mr. Chairman, before I make myself available for questioning from your members and yourself I would like, if I may, to extend my sincere appreciation to all of you, your staff for the courtesies they have extended to the delegation from Hawaii. I sincerely hope that I may, as some future date be able to return that same courtesy to you on your visit to Hawaii. Aloha and thank you.

Senator SYMMS. Thank you very much for a very brief and concise statement

I might just say to you, Marshall, that it is my intention to be in Honolulu on the 28th and 29th of December and I hope to look at that stretch of road, but we'll get the Department of Transportation to show it to me so you won't have to worry about it. I'll be over there hopefully, knock on wood, depending on what happens here in the Senate, we may be right here.

Our next witness will be Charles Toguchi. Welcome to the committee, Mr. Toguchi, and we will be happy to hear your statement.

STATEMENT OF HON. CHARLES TOGUCHI, VICE CHAIRMAN, HAWAII STATE SENATE TRANSPORTATION COMMITTEE

Mr. TOGUCHI. Mr. Chairman, members of the Subcommittee on Transportation, thank you for this opportunity.

I am State Senator Charles Taguchi, vice chairman of the Senate Transportation Committee of the Hawaii State Legislature. I am here to formally enter into the record written testimony submitted earlier to your committee by our chairman, Senator Benjamin Cayetano, who expresses his regrets for not being able to be here with you today. I would also like to take this opportunity to add a few remarks in support of his testimony.

In addition to my role as the vice chairman of the Hawaii State Senate Transportation Committee, I presently represent much of the area which the proposed H-3 interstate segment will primarily service, the so called windward area of Oahu.

Based on various formal and informal polls taken on the H-3 and my personal interaction with my constituents over the 9 years I have been in the State legislature, I strongly believe that a great majority of the people in the windward area presently favor the construction and completion of the H-3 interstate segment.

The two existing trans Ko'olau corridors that presently provide access to Honolulu and adjacent job centers are Likelike and Pali Highways. These two highways are presently over capacity during morning and evening rush hours and it is not unusual to have a traffic back up of over 10 miles. As a typical commuter myself, I presently spend approximately 2½ to 3½ hours a day traveling to and from Honolulu which is a one-way distance of approximately 12 miles.

Senator CHAFEE. How long would it take you on a Saturday morning or Sunday with no traffic?

Mr. TOGUCHI. When I get home late from the legislature, sir, it takes me approximately 20 to 25 minutes.

Senator CHAFEE. And in the morning rush hour, it takes you how long?

Mr. TOGUCHI. I am presently averaging about 2 hours.

Senator CHAFEE. Two hours each way or 2 hours one way?

Mr. TOGUCHI. In the morning.

Senator CHAFEE. What I mean is 2 hours round trip or 2 hours one way?

Mr. TOGUCHI. One way in the morning.

Senator CHAFEE. Thank you.

Mr. TOGUCHI. Over the past 2 years, several groups and individuals have also suggested major improvements in the Pali and Likelike Highway as an alternative to the construction of the H-3.

Preliminary surveys indicate that this alternative will have a great impact on existing residential dwellings, businesses, schools, churches, historic sites and other manmade and natural formations.

In addition, communities bordering the Pali and Likelike Highways have already expressed strong opposition to various attempts to increase capacities on these highways. Because the improvements will be limited in order to minimize various impacts, improving Likelike and Pali, in my opinion, is not a viable alternative or substitute for H-3.

With regard to concern expressed about growth and development escalating as a result of the H-3, I believe the city and county of Honolulu recently formulated and adapted development plans which will adequately guide the rate and direction of growth and development on the windward side.

Concerns about growth should be primarily addressed through the planning process and not raised as a highway issue.

In closing, I would like to express support for the H-3 proposal.

Senator SYMMS. Thank you very much. Could you, just for my edification, walk over to that map and show me the route that you have to drive to work? Do you come across one of those two smaller roads?

Mr. TOGUCHI. I live in this area here on the windward side. I have to travel down this highway. I have to travel down this highway and come to this intersection.

I come to this area here. I have to travel down this highway to get on to Likelike which is the trans Ko'olau corridor and down Likelike and then down to H-1 and get to Honolulu.

Senator CHAFEE. With the new route you would be on the top route there?

Mr. TOGUCHI. This route here.

Senator CHAFEE. You wouldn't be taking that though, you personally, would you?

Mr. TOGUCHI. Yes, sir. Also addressing the concerns expressed earlier, what this highway would do is that it would take some of the traffic off these two corridors here, especially traffic that now comes down Likelike and would have to go this way.

Senator SYMMS. I see.

Mr. Toguchi. So we anticipate about one-third, one-third, one-third.

Senator Chafee. What do you say about the testimony that was given that the great growth is truly going to come in the Ewa area there, what about that?

Mr. Toguchi. I think that even with the present situation that we have, there is a need for the H-3 freeway on the windward side. I think the transfer of funds that they are talking about to the mass transit, they're not really talking about a mass transit to the windward side. The city is looking for funds to build a mass transit system in this corridor here. The transfer has nothing to do with the windward area.

Senator Symms. Well, OK, thank you very much.

Now Mr. Ige, you mentioned the fact that there are nine city councilmen, but Cynthia Thielen gave me this wire signed by six.

Ms. Thielen. Senator Symms, I can answer that.

Senator Symms. There are six that are for it and three that are opposed to it?

Ms. Thielen. Three of the council members were recalled for changing parties from the Democratic Party to the Republican Party. They happen to be our clients as well.

Presently there are only six city council members at this point. One mayor, six city council members.

Senator Symms. And the three that were Democrats that changed to Republicans have been——

Ms. Thielen. Recalled and it's up in the air as to whether or not they will be on the ballot for the special election the end of November.

Senator Symms. I would think that would have a tendency to discourage people from changing parties.

Ms. Thielen. Well, it's interesting, Patsy Mink led the battle to have them recalled. Patsy Mink is one of the council members that is opposing enacting legislation exempting H-3.

I should mention and I didn't, Representative Nakata, for whom I testified, lives on the windward side, has run two times. He is their representative out here. He has run two times on an anti H-3 pro-transfer of funds to transit and other transportation needs and has been reelected both times.

His opponent in the recent election is staunchly pro-H-3 and did not make it.

Senator Symms. What do you say about this headline in a newspaper article that Senator Matsunaga gave us that says, survey results, build H-3 as soon as possible 76 percent or 71 percent of the people.

Ms. Thielen. The surveys that have been conducted show things about evenly split. I believe that the lead attorney on the case, Boyce Brown, will be mentioning that, but it is about evenly divided.

The newspaper editorial in our largest circulation newspaper came out opposed to enacting this legislation exempting H-3 and it showed a very graphic editorial with the H-3 highway going directly into the State capitol and the analysis was that Congress should not exempt this highway from the law.

Senator SYMMS. Let me ask Senator George a question, since we do have a Republican Senator here, we'll give her an opportunity.

Senator Matsunaga and Senator Inouye, as I understand it, win resounding elections in Hawaii for their personal popularity and other reasons. Do you believe that they are properly reflecting the people of the island's point of view?

Senator GEORGE. Indeed I do, Mr. Chairman, and I think I am my own best example. Ms. Thielen has indicated the success of Mr. Nakata whom she represents today. At the polls, in a number of elections, I have been elected over and over again by wide majorities as a fervent supporter of H-3 for 17 years and I have not been quiet about it. To correct Ms. Thielen, I believe the largest circulation newspaper is the Star Bulletin which supports H-3 and the action that is being requested of you today. I believe you must be referring to the Advertiser.

Ms. THIELEN. The Sunday paper, the Sunday editorial in the Advertiser.

Senator GEORGE. The cirulation of that newspaper is about half that of the Bulletin. No, indeed, I have seen the polls. In addition, I would like to point out that when people come to me, I try to listen to people, it's one of the reasons I am a popular senator. Sometimes people come to me and say, Mary, how can you possibly support H-3, won't you please change your mind. When I get a request of that nature, I have a private poll going and I say—I listen to them first and then I say, where do you live. Quite often the person lives in another district and then it is fairly easy to determine that the desire is to use the money that would be available for H-3 by transferring the money to a project within their area, to solve their transportation problems. Or if they say they live on the windward side, an area—by the way, from one time in my life to another, I have represented the area from Waimea Bay, which is way at the top there down to Sea Life Park which is way at the bottom of that windward coast. I know it intimately and its people.

Let me just say——

Senator CHAFEE. Mr. Chairman, I'm not trying to cut things off, we got 14 more witnesses and I just hope we will move along here.

Senator GEORGE. Can I just complete my thought, if I may, and then——

Senator SYMMS. Certainly.

Senator GEORGE. The other reason for other people opposing it or the people who have come to me and asked me to oppose this kind of legislation, have turned out to be people who do not commute. They are not users of the highway and obviously there are some who are also convinced that——

Senator SYMMS. Well, thank you very much. Senator Chafee, do you have any questions?

Senator CHAFEE. I just wanted to ask Miss Thielen a question. You say that the planning doesn't provide for growth over there, but people are going to go where they want to go and if they choose to live on the windward side, that's their business and I think that the point that was made, that the way to control land use is through land planning rather than restrictive highways.

Ms. THIELEN. You're correct, Senator, that people may want to move there. The balance of this area is agriculture.

Senator **Chafee**. You mean it's zoned for agriculture and not for residential?

Ms. **Thielen**. That's correct. The city and county is controlling the growth. It's remained low development.

What is interesting is that the most expensive highway in the country is being proposed for an increase in growth of 15,000.

Senator **Chafee**. What about the problem now, that the vice speaker mentioned, it takes him 2 hours——

Ms. **Thielen**. Senator, I was just going to mention that. I live in Lanikai. I don't know what he drives or how he drives, but I drive just a standard car. I live in Lanikai and I commute every morning, during the rush hour. At the most it will take me an hour during the school year. When the University of Hawaii is out of school—wait a minute. When the private schools are out of school, there is no problem dūring the summer months or the month at Christmas. Going home, everything is—the peak in the morning will be high, 1 hour. In the afternoon, people go home at all different hours. If you're a city employee, it may be earlier. If you're a university student, earlier. There is generally no problem going home in the afternoon.

Senator **Chafee**. So you're saying that the highways aren't crowded?

Ms. **Thielen**. Well, my understanding is from a city source that it's 15 to 85 utilization at rush hours. Eighty-five going into town and 15 coming out.

Senator **Chafee**. That's percentage of capacity?

Ms. **Thielen**. Yes.

Senator **Chafee**. You mean 100 being all it can carry?

Ms. **Thielen**. Yes; so in other words, there are options such as contra flow, such as overpasses. We have a situation where getting through the Trans Ko'olau takes you 11 minutes. Getting off at downtown Honolulu, with the series of signals, getting on over on the windward side in Ko'olau Town, with the three signals, we're talking about——

Senator **Chafee**. OK, fine, thank you.

Mr. **Toguchi**. May I respond?

Senator **Symms**. Please make it very concise.

Mr. **Toguchi**. Several things I would like to point out. First of all I would just like to say that the H-3 will primarily serve the Kaneohe area, that most of the Kailua traffic will go up the Pali Highway and I represent, I would say the primary area that will be serviced by the H-3.

Representative Nakata is a representative that is within my senatorial district. There are two representatives that make up a senatorial district. The other representative has gone on record, in the past, in support of this highway.

I can tell you that from the area that I pointed out, where I live, to the traffic light, it's called Temple Valley Shopping Center and from that shopping center, there is a backup of traffic from that center all the way across the trans Ko'olau corridor all the way down to what we call Camp Fox Road which is approximately 10 miles.

The average is about 10 miles an hour.

Senator SYMMS. Thank you all very much for your testimony and your coming here from Hawaii so we could hear from you.

I appreciate your contributions and I want to say, as chairman of this subcommittee, it is certainly not my wish to have big government in Washington run rough shod over local authorities or decisions, but I think it is important that we try to pursue that just to find out how people are feeling.

Mr. Wayne Yamasaki, director of the Hawall State Department of Transportation. Welcome to the committee, we'll be happy to hear from you. I have a couple of questions I may want to ask you with relation to alternative routes of transportation as well as the alternatives that were suggested by the past witnesses. Please go ahead with your statement.

STATEMENT OF WAYNE J. YAMASAKI, DIRECTOR, HAWAII STATE DEPARTMENT OF TRANSPORTATION

Mr. YAMASAKI. Thank you, Mr. Chairman.

Mr. Chairman and distinguished members of the committee, I am Wayne Yamasaki, State Director of Transportation for the State of Hawaii.

On behalf of Governor Ariyoshi and myself, I would like to thank you for the opportunity to appear before your committee.

With your permission, Mr. Chairman, I would like to enter my written testimony for the record and make some statements.

Senator SYMMS. Without objection, your entire statement is a part of our record.

Mr. YAMASAKI. Thank you, Mr. Chairman.

Mr. Chairman, I am here before your committee today to ask the help of Congress to correct what we consider an inappropriate application of the Federal Highways 4(f) regulation by the ninth circuit court of appeals. We believe that the ninth circuit court of appeals has gone beyond the intent of Congress to protect existing public parks from the actual physical intrusion by new transportation projects into and through park lands.

The State's defense and interstate highway (H-3) has been under various stages of planning, study, design and construction for over 20 years. We have been in some form of litigation in the Federal and State courts for over 13 years.

The State DOT believes that we have lived up to the intent and spirit of all Federal environmental laws and regulations, including 4(f).

We have conducted over 20 public hearings and informational meetings that have studied at least 17 alternatives. These alternatives and environmental studies are, as Senator Inouye has indicated, to my left, including nine volumes of H-3 EIS's, a Moanalua Valley section 4(f) statement, seven volumes of a final supplement to the H-3 EIS, a Ho'omaluhia Park section 4(f) statement and two volumes, the second supplement to the H-3 EIS.

All of these environmental documents have been approved by the USDOT. Although the documents have been challenged by the opponents, the courts have ruled that the H-3 EIS meets the requirements of the National Environmental Policy Act or NEPA, the U.S. district court and ninth circuit court of appeals has also ruled that the projects have met the requirements of the Endangered Species Act and the Historical Preservation Act.

I would like your committee to know that Hawaii also has various environmental and conservation laws that we must also comply with. For instance, the State of Hawaii, Department of Land and Natural Resources granted the State Department of Transportation approval to construct H-3 through a conservation district.

In their approval, they established numerous conditions that the State DOT must follow. For example, a little over a year ago, there was an archeological site discovered in the alignment of H-3. The State DOT hired the Bishop Museum to survey the site, which were Hawaiian agricultural rock terraces. Based on the completed study, our alignment can be modified so there will be no effect on the site.

We immediately took the action to contract with the Bishop Museum for the study since one of the conditions imposed on the State by the Department of Land and Natural Resources was that there must be an archeologist present during construction in areas not previously surveyed and should any archeological site be discovered, all construction must be halted and a complete survey done in coordination with the State's Historical Preservation Office.

As I have mentioned earlier, there are many more environmental requirements imposed upon us by State law which we intend to comply with. These requirements are included in our conservation district use application issued by the Department of Land and Natural Resources.

With your approval, Mr. Chairman, I would like to request that the conservation district use application be entered into the record by the clerk, along with a Hawaii State Supreme Court decision that found that the application issued conditioning its approval on compliance with measures mitigating the environmental consequences to the area was proper. The court decision is a result of the opponents challenge to the application.

Senator SYMMS. Are these the attachments to your statement which I have here?

Mr. YAMASAKI. No, sir, Mr. Chairman. The documents are here.

Senator SYMMS. How big are those? Is this something that we want in the record or in the committee file?

Mr. YAMASAKI. Yes, sir. I believe there is some material in this which will answer some of the questions raised earlier by one of your committee members dealing with water, et cetera. They are all covered in this document also.

Senator SYMMS. We'll commit them either to the appropriate file or the record, whichever is appropriate.

[The material referred to has been retained in committee files.]

Mr. YAMASAKI. Thank you, Mr. Chairman.

Mr. Chairman, we feel that Congress needs to clarify the 4(f) issue since the State has litigated the decision of the ninth circuit court of appeals up through the U.S. Supreme Court.

As many of the previous speakers have already touched upon the coordination that has been gone through in the development of the Ho'omaluhia Park and H-3, I would like to enter into the record, with your permission, Mr. Chairman, a document detailing the history of coordination, planning and development of H-3 and Ho'omaluhia Park along with the ninth circuit's opinion of August 21, 1984 and other items. The document is entitled "The H-3 Briefing Reference Document."

Senator SYMMS. It will be incorporated by reference.

[The material referred to has been retained in committee files.]

Mr. YAMASAKI. Thank you, Mr. Chairman.

Mr. Chairman, in summary, I realize that our request for congressional relief, from the 4(f) regulation is unique, however, we feel that we have complied with all the environmental laws and regulations, including 4(f).

Since the ninth circuit court has totally disregarded years of coordination to develop Ho'omaluhia Park and H-3 we are asking Congress to clarify whether this was their intent. We sincerely do not believe that this was the intent of Congress, therefore, we are asking for your help. Thank you.

Senator SYMMS. Thank you very much.

The first question I would like to ask is if the funds were transferred to alternative transportation systems, as is suggested by the wire I have here from the mayor of Honolulu, what would you recommend, as the Director of Transportation, as an alternative?

Mr. YAMASAKI. Senator, the proposal as Hawaii State Senator Taguchi has indicated, the alignment that the city is currently looking at basically runs from the Ewa plains to Hawaii Kai. It's on the Honolulu side of the mountain range, if I can describe it as such. The transfer of the funds would not solve the problem that is currently faced by the residents on the windward side of the island.

The project, the H-3 projections were based on 150,000 traffic on a 24-hour period of time. In other words, both way traffic counts.

Right now, as of about a month or so ago, we took some traffic counts and they are up to 97,000 in a 24-hour period.

Now, just assuming to the year 2000, you have a 2,000 increase in the traffic, you're going to exceed that 150,000 traffic projection count that we have projected and justified H-3 on.

My comment to that is to transfer the funds to a transit system will not alleviate the problem for the people on the windward side of the islands.

Excuse me Senator, may I make a correction? One hundred fifty was the population numbers. The 120 is the number of vehicle traffics.

Senator SYMMS. Then what about this Makai alignment, as a feasible and prudent alternative? Is this the orange loop up here?

Mr. YAMASAKI. Yes, Senator. The problem that you face with that is that we in the State rejected it because of several reasons. One of them was primarily safety. To answer Senator Chafee's question, the tunnel that comes through the Ko'olau Mountains enters on the Honolulu side of the mountains at a 1,000-feet elevation above sea level. It exits on the windward side of the island at 800 feet above sea level and the reason the height was selected as such was to avoid dike waters. Based on our studies, we did not want to disrupt dike waters which feeds the water system for the State of Hawaii.

Now that study was coordinated with the city and county of Honolulu Board of Water Supply as well as the State Land and Natural Resources Division of Land and Water Development. So it has been coordinated, the study itself, and that is why when you exit the Ko'olau Mountains on the windward side of the island coming out at an 800-feet elevation and when you're coming down in that kind of elevation, you have quite a 5-percent grade and that forces everybody into a loop and the Senator has indicated possibly increasing the size of the loop.

It still does not really solve the problem in the sense that you're forcing everyone on a through traffic through a loop. The Federal highways have already indicated to us this does not meet the Federal highways geometric standards because there is no interstate system that is going anywhere that just goes into a loop and into another direction.

You have loops on off ramps and such as that.

Senator **Symms**. I want to ask you a two-prong question. My time is about to expire.

No. 1 is what efforts have you made, in the Department of Transportation, to accommodate those people who are opposed to H-3 and second—if you use this loop where you go through and take out 31 houses, a church and what else was it, some other—4 businesses. How many people are opposed to that?

Mr. **Yamasaki**. I think you're going to have the entire town of Kaneohe opposed to it. I think one of the statements also made by the U.S. district court judge at the hearing was there is no way you're going to build that through Kaneoke.

Senator **Symms**. Just very briefly, what about my first question about what have you done to accomodate those people that are opposing it.

Mr. **Yamasaki**. My personal opinion, Senator, is that we're not going to satisfy them, in the sense that they, basically, they do not want the highway built.

Senator **Symms**. OK. Thank you very much. Senator Chafee.

Senator **Chafee**. What about the suggestion that you close off some lanes going inbound in the morning—have three lane traffic each way in the morning and in the evening, as they do here in Washington and in lots of cities?

Mr. **Yamasaki**. Senator, those were some alternatives studied. If I may, with the chairman's permission, ask Mr. Stan Kawaguchi, who was a consultant who has been involved with those studies, to respond to that, if I may.

Senator **Chafee**. And then also corrective action at the ends where you are now being held up by traffic lights going into Honolulu and so forth.

Mr. **Kawaguchi**. Senator Chafee, over the years, a number of alternatives to upgrade and increase capacity of both Pali and Likelike Highways have been examined, independently, by the State, as well as independently, again, by the Federal Highway Administration.

In answer to your first question, in terms of using the off peak direction lanes. As an example, in the morning, from Honoluu in the Kailua or Kaneohe windward bound direction. That has been looked at and one of the problems here is the face that when you're looking at this highway, the topography that has to be negotiated is quite steep and rugged. A lot of very tight curves, steep grades, as the Director has indicated and it is only two lanes with no shoulders, especially on the steep sections on the windward side. So we've got a definite safety problem here. When you're looking at contra flow operations, as we call it, normally the Federal highway guidelines are that there is an additional lane set aside as a buffer strip. In other words, if you're going up a 7-percent grade, traffic coming down at a 7-percent grade, to be separated by a cone is inadequate. So this was the concern that was expressed and for those reasons that was rejected.

Another alternative that was examined was to look at the option of taking all lanes in one direction in the morning and then reversing it in the outbound direction in the evening. What this causes is tremendous problems in the communities through which these two highways traverse and I think that the speakers before have indicated that there are many old communities in Kalihi Valley where Likelike Highway traverses as well as Nuuanu Valley through which Pali Highway traverses.

If we reverse the highways, that is take all four lanes into Honolulu in the morning, all four lanes out, the people living there would have to go through a very circuitous route to get to where they want to go, if it's in the wrong direction. Further, there would have to be interchanges built in these valleys. These have all been studied and they're documented, by the way, in the EIS.

Senator **Chafee**. Thank you. That's the only question I had.

Senator **Symms**. Senator Burdick.

Senator **Burdick**. Thank you, Mr. Chairman. There is a concern that H-3 would promote residential development on the windward side of the island. Large scale development is currently limited by zoning and practical considerations of land surface available for additional housing.

Hawaii appears to have a very tough zoning process. Do you think that this process will not deter development?

Mr. **Yamasaki**. I believe, Senator, the city is planning to make adjustments to their development plans. The earlier plans were quite higher projections. The State did not use the high projections the city set, developed initially in their development plans. We use a 150,000 residential count.

I believe the city is moving closer to that 150 in terms of their planning, so definitely the zoning on that side of the island will be restricted or curtailed in some respect.

What I am getting at, however, the base on the current population, the traffic counts, et cetera, it is justified for H-3 and as I indicated, the population on that side, we estimated would come to about 150,000. I think the previous speaker used some figures and I think he's using commuter figures. He got pretty close to 150,000 also.

Senator **Burdick**. It has been suggested that improvements be made on the Likelike and Pali Highways. These highways handle approximately 90,000 vehicles per day and has slow traffic because of many regular street intersections in adjacent residential areas. Do you anticipate opposition to traffic improvements by residents along these routes?

Mr. **Yamasaki**. To give you an example, we alluded to some problems with making improvements along Likelike by Senator Toguchi. A good example is that we were planning to add one additional lane along Pali Highway. It would have been approximately less than half-a-mile. We received petitions and over 200 letters from residents along that area opposing that additional one lane, less than half-a-mile improvement along that segment of the highway. Many reasons were cited, they would have more difficulty getting out onto the highway and so forth and what I think we realistically looking at is that if we try to do major improvements along Likelike or Pali, the fight, in terms of stopping the project will be shifted from the current opponents to the residents who live along those routes.

Senator **Burdick**. Thank you very much.

Senator **Chafee**. Could you tell me where the Pali Golf Course is? I'm a little mixed up. Is that right adjacent to the park?

Mr. **Yamasaki**. It's below the green area——

Senator **Chafee**. Could you point it out, please?

Mr. **Yamasaki**. Right in that area. The approved route or current route would come right between the Pali Golf Course and the Ho'omaluhia Park, sir.

Senator **Chafee**. I see. Now, does the 4(f) problem get involved with the golf course or not?

Mr. **Yamasaki**. Yes, sir. The ninth circuit court in their opinion and it's included in the document that I asked to be included in the record, during its deliberations addressed both the issue dealing with the park as well as the golf course, however, in its final decision, it basically cited the park as the problem and reserved judgment on the Pali Golf Course.

Senator **Chafee**. The court decided it on the park, now suppose you go ahead with the highway, then couldn't the same problems be raised with the golf course?

Mr. **Yamasaki**. Yes, sir. The opponents could then go back to the court and ask them for a determination on the golf course.

Senator **Chafee**. Thank you.

Senator **Symms**. Thank you very much. We appreciate your testimony and we appreciate your being here.

Next the Chair would like to call up Boyce Brown, Vera Rose, Charles Reppun, Dave Burwell, and Whitney Tilt. I think they all have the same point of view. Mr. Boyce Brown.

STATEMENT OF BOYCE BROWN, JR., ATTORNEY FOR STOP H-3 ASSOCIATION AND LIFE OF THE LAND

Mr. **Brown**. Thank you, Senator. My name is Boyce Brown. I am an attorney and live in Honolulu and I have represented the plaintiffs in the stop H-3 litigation since 1972.

You may recall that wonderful stack of papers that the State put at one end of this table and they bemoan the fact that they had to prepare all of those papers.

You know, gentlemen, we've been very successful in this litigation for one reason and one reason only and that is because the State consistently refused to comply with legislation that this body had enacted.

That 9-volume EIS started out as a 26-page apology for the highway. We suggested that might be less than adequate for a highway of this magnitude. They disagreed and we won in the courts. So the history of this has not been one of obstructionism as suggested by Senator Inouye, but a consistent effort on our part to attempt to enforce the legislation.

This highway will be $1 billion before it is built. With the demise of West Way, it will now be the most expensive highway that mankind has ever built inch for inch. It will be a highway that will serve an expected population increase on the windward side of only 15,000 people. Spending $1 billion to assist 15,000 people seems, on balance, not a very wise thing to do.

You know the general from the Federal Highway Administration bemoaned the application of the 4(f) provision to the concept of constructive use.

Gentlemen, 18 courts or more have considered the concept of constructive use as far as 4(f) goes and without any reservation they have adopted the concept of constructive use.

Now consider for a moment, sirs, what difference would it make if the highway went one inch into the park aod therefore there was an actual taking or it was one inch outside the park and therefore there is only a constructive use.

Obviously the impact on the park is the same and this commonsense approach is what the courts have uniformly applied in interpreting the legislation and I personally do not believe that that in any sense perverts the intent of Congress.

I would like to add that in at least half a dozen cases, one of which is ours, a petition was filed to the U.S. Supreme Court asking them to address whether or not those interpretations were correct and the Supreme Court has consistently refused to do so.

Gentlemen, I'm afraid Senator Matsunaga and Senator Inouye are victims of incorrect information. I assure you that what I am about to tell you is absolutely accurate.

Ho'omaluhia Park did not come into existence because of H-3. Ho'omaluhia Park was planned as an independent project by the Corps of Engineers which was required to develop a recreational facility in conjunction with the park and it did so.

Indeed, it is not true that the park grew only to meet the highways boundaries. The highway boundaries were imposed upon the park planners. If they had their way, the park would have extended far beyond where the highway is proposed to be located.

The State lost in the ninth circuit for one reason and one reason only and that is that there is an alternative which would avoid the use of the park. That alternative is demonstrated by the Makai alignment. It seems to me improper, sirs, that if a way exists to build a highway and comply with the law, why should they be exempted from the law because they want to build it a different way. That makes no sense to me at all.

And then finally, we are not talking about a single 4(f) issue. You have Ho'omaluhia Park, that's a 4(f) issue. Beneath it you have the Pali Golf Course which involves an actual taking of golf course land. Not a constructive use, an actual use. That's a 4(f) issue. In the last year, another very significant discovery creates yet a third 4(f) issue.

In the area to the left of the loop section as shown in red on this chart over here is an area known as Luluku. In preliminary clearing of that area, they have discovered the most extensive agricultural terrace system found. It is considered to be the most significant archeological find on the island of Oahu in the last 50 years. The terraces date from the 11th to the 12th century. This highway will go right through those terraces.

So we have, anyway you look at it, there is a 4(f) problem, but not if they take that Makai alignment. Now why should you exempt them—why should you make it possible for them to go against 4(f) when an alternative exists which would satisfy 4(f). Thank you gentlemen.

Senator SYMMS. Thank you very much. Mrs. Vera Rose.

STATEMENT OF VERA ROSE

Mrs. ROSE. Aloha. The leis are from Hawaii and they are from Charles Reppun, Boyce Brown, Cynthia Thielen, and Wayne Gagne. The flowers are from my backyard. I have nurtured them and carried them in a plastic bag thinking I would string them for my partners here, but Cynthia was very sweet and said, "why don't you give them to the committee". The leis represent the Hawaiian Aloha spirit—not only from those who believe in what we are doing here but from me, too. I am of Hawaiian ancestry. Forgive me if I feel emotional because it is my land and I see the land being destroyed by people we trusted. We voted for them. After they were in office they forgot who we are and say that progress means we must grow. We can't worry about the little people like me, and many others who get in the way.

I hear these people speaking in favor of H-3. They do not spend time fully researching the issues wholeheartedly like the members in our community groups. I take this time personally to thank Boyce Brown for all the time he has spent researching and to all the various organizations—the Sierra Club, Life of the Land whose members believe in preserving the land. And let me tell you that many of these members are Hawaiians who are not comfortable speaking in public or do not have the gift to speak fluently. But people like Boyce Brown, Dr. Reppun, Wayne Gagne, and others who came from the mainland to make Hawaii their home have become our friends.

We have great Aloha for this land of ours and if you go ahead and let H-3 go like many other projects that have been passed by our legislative body, by Governor Ariyoshi and his political machine, and now, our Congressmen here in Washington going along with this big machine—I am angry. It breaks my heart to see our Congressmen supporting Governor Ariyhoshi who hasn't got the decency and love for the land to admit defeat. If the judges in our country supported the finding of the H-3 opponents, why can't the Governor, the politicians, the developers and all these other people—give up and say lets go and bury H-3 and lets plan other alternatives which have been suggested. I can't understand why Governor Ariyoshi cannot swallow his pride and go along with us and accept an alternative. Mayor Fasi is for an alternate. But Governor Ariyoshi and his political machine are adamant.

Boyce Brown came from your country. He has devoted his time for free, for love—not for money. And that goes for Cynthia, the

Reppun family and many others who love the land but are not able to be here.

I hope you will not fail us. We do not want H-3, definitely. Thank you very much.

[A subsequent letter to Senator Stafford follows:]

November 26, 1985

Senator Robert Stafford
415 Hart Building
Washington, D.C. 20510

Dear Senator Stafford,

Aloha. I am Vera Rose, a member of the Anti H3 group testifying against a bill exempting H3 and in favor of the transfer of funds to more cost effective transportation projects.

I am enclosing a copy of introduction to the book "Land and Power in Hawaii". I earnestly beg of you to somehow obtain and read it prior to Dec. 2, 1985. This powerful book, copyright 1985, printed November 1985, details many of the abuses of the Democratic power structure.

I wish those Senators involved in this debatable H3 issue will read it too. Maybe you'll understand why I feel the way I do.

I thank you for precious time and hope the little Anti H3 group who spoke at Washington, DC was informative and not in vain. Aloha and mahalo.

Sincerely yours,

(Mrs.) Vera Lani Rose

Enclosure: 1

The subject is land and power . . .

The place is Hawaii.

The period is the last three decades—the Democratic years.

And *Land and Power in Hawaii* is a book that gets down to cases.

In these pages, the real estate dealings of the major power groups of contemporary Hawaii are held up to close and detailed inspection for the first time:

The ruling Democrats, from the early days of John Burns to the final years of George Ariyoshi.

Local developers making big money from subdivisions and condominiums in the boom years that followed statehood—names like Ching, Luke, Inaba, Yamamoto, Yamada, and Pao.

The Big Five and the big estates, under severe pressure in changing times.

The most powerful union of the post-World War II period, the ILWU.

And a new presence in Hawaii—organized crime.

Land and Power in Hawaii is packed with relevant facts: how politicians voted on land issues in the Legislature or in Council meetings; how elected and appointed officials were connected with real estate investment groups; how much money was paid for a given parcel of land before rezoning, and what it brought when it was rezoned for resort use; who the buyers and sellers were; who arranged the transaction; and who might have profited.

In the course of this book some of the most inflammatory and divisive episodes of the Democratic years are opened up for reexamination.

But *Land and Power in Hawaii* handles this sensitive material dispassionately, presenting its case in the most convincing way—simply by disclosing and analyzing the evidence of the public record.

It is published at a critical moment in the modern history of Hawaii, with the land-based economy of the last several decades under threat, and the Democratic establishment seemingly unable to perpetuate itself in the old way. *Land and Power in Hawaii* offers readers a unique chance to re-evaluate recent history and to give informed consideration to the immediate future.

GEORGE COOPER is a lawyer who has been a reporter, radio newscaster, teacher, and community organizer. This is his first book.

GAVAN DAWS has written several books about Hawaii and the Pacific, including *Shoal of Time: A History of the Hawaiian Islands*, and *Holy Man: Father Damien of Molokai*.

Senator SYMMS. Thank you very much. Charles Reppun.

STATEMENT OF CHARLES REPPUN, PRESIDENT, HUI MALAMA AINA 'O KOOLAU

Mr. REPPUN. My name is Charles Reppun. I am a lifelong resident of windward Oahu and I also have been a full-time farmer for the past 12 years. I have been a member and am the president of the community organization there. I have also been a member of two government water commissions.

Our opposition to H-3 goes back a long ways. This highway, H-3, was planned in conjunction with the zoning that was put in place for Koolau, this rural area. The zoning was for this to be center city, deep draft harbor oil refinery and all the zoning that goes with it.

Those plans have only recently been changed. The zoning has only recently been changed and that zoning is changed because we fought against it because we didn't want that kind of development in our rural communities.

We were very strong in our opposition to this and the State has not helped us to change that zoning at all. Now, our present opposition to this highway continues for some of the same reasons. If this highway is built, that zoning can very easily be changed back again. All the major projects planned for our area, 300-unit subdivisions, 1,000-unit subdivisions, shopping centers, all those plans are still in place and, in fact, those major landowners bought land here in the early 1960's, are suing the city and county because they didn't think that zoning was properly changed and they want their zoning back again.

All the rationale for their projects, they say the transportation problems, they will be solved by H-3. That's their rationale.

The second reason why we're opposed, this highway, as has been said, will not solve the traffic problem. Eighty percent of the commuters go down here to work. Twenty percent would use this highway to come up to the other areas. When the population increases in this Ewa plain, this is supposed to be a self contained community. We're talking about an area out in Waianae where they have 8 percent unemployment, double the rest of the highland. Those people want those jobs.

All the planners do not want the people to live over here.

There is one other alternative that the court mentioned that hasn't really been emphasized, although it has been mentioned. One of the other alternatives to building that alternative Makai route is not to build the highway. They didn't say don't do anything about the traffic. They talk about buses, they talk about other kinds of traffic improvements. The court is, I think, trying to give the State messages and telling them, look, you have a traffic problem, building this highway is not going to solve that problem. They're giving them the message, do something but don't build this highway. It doesn't make any sense.

As a water commissioner, we cited water problems on this island and we do have a water problem. All of the island, except for the windward side, has been designated as water controlled areas. In other words, there is no more water available for development, none. The only water that is left is in the streams on this side of the island, which are very important for them, the ecology of the area, as well as for the ocean, for fish life, and all kinds of things.

Now, this north Halawa route goes through the most important water area on the island. The biggest well is in Halawa. It's a very important water source. They have not done extensive studies on what will happen to the water sources if they build this highway through there. They have not done those studies yet. And, if they go through there, all of the reasoning that I have heard, all the explanations I have heard for building this highway, they say, well, there could be a problem, we don't know, we don't know. That's the answer. They say, we'll solve that problem when we get to it. To me, that's no good.

Senator SYMMS. Thank you very much. We appreciate you being here. The next witness is Dave Burwell.

STATEMENT OF DAVID BURWELL, DIRECTOR, SPECIAL PROJECTS, NATIONAL WILDLIFE FEDERATION

Mr. BURWELL. Thank you Senator. I appear today on behalf of the National Wildlife Federation and our Hawaiian affiliate, the Conservation Council for Hawaii.

I would like to summarize my testimony in about five sentences but I request that the entire testimony be included in the record.

Senator SYMMS. Without objection, it shall be.

Mr. BURWELL. The bottom line of our testimony is the same conclusion that the ninth circuit came to twice and the Sunday Advertiser came to in Honolulu last Sunday and that is if the State of Hawaii wants to build this road they should do it in the old fashion way and that is legally.

This proposed legislation, as Senator Stafford points out, goes far beyond 4(f), it goes far beyond our environmental laws, it goes far beyond our highway laws. It exempts it from every law past, present or future. The reason they need this type of blanket exemption is because this highway does not fit within—basically it's incompatible with the planning requirements of our Federal laws, our transportation laws.

The point that 4(f) is the only law assuming that the EIS and the NEPA laws have been complied with. NEPA, as you know is a procedural law. You can build a disaster as long as you fully disclose the consequences. 4(f) says you can't build it if there are feasible and prudent alternatives. 4(f) has brought these problems to the surface and those problems are outlined in our testimony.

That's basically our testimony. I would like to respond very quickly to a few of the earlier comments.

First of all, I would like to say that I agree entirely with Mr. Barnhart in that I am also appalled at the cost of this highway, particularly in relationship to the benefits, if any, that would result from its construction.

Senator Bentsen mentioned the project in San Antonio. This is not an analogous situation. As Senator Bentsen pointed out, the San Antonio road had been built on both sides. He called it the "launching" pad. Here you have the benefit of not having started the highway at all. The same situation occurred in Overton Park.

A highway had been built on both sids of the park. There was an unbuilt segment in the middle and this committee, in 1978, at the request of Senator Baker, considered a proposed exemption after those launching pads, those roads had already been built. This committee turned Senator Baker down. This highway, which hasn't even started construction, has a much weaker case than the precious request. It should be denied. Thank you.

Senator SYMMS. Mr. Whitney Tilt, from the National Audubon Society.

STATEMENT OF WHITNEY C. TILT, THE NATIONAL AUDUBON SOCIETY

Mr. TILT. Mr. Chairman, thank you for this opportunity to appear before you today. As with Mr. Burwell, I would ask that my complete testimony be inserted in the record.

Senator SYMMS. Without objection, it shall be.

Mr. TILT. I would like to take this opportunity to touch on a few points.

We too feel that this proposed bill would go far beyond the mere confines of a golf course and a park especially precedent setting.

The matter of the routing of H-3 has been determined by a court of law and the decision on the merits of that case should not be overturned by this committee.

It is interesting to note, sitting in this courtroom today that the Hawaii delegation commends the court, on dismissing the adequacy of the EIS question, but then would turn around and condemn that same court for its evaluation of the section 4(f) interpretation. If I were back home in Driggs, ID, they would say I was trying to "have my cake and eat it too," all in one case.

Rather than comply with the court's ruling, the State has come up with this legislative fix that in the words of one Honolulu editorial, "Is an admission from the State that they have lost the legal battle and cannot come up with the justification that that court wants."

One quick overview that I would like to bring up, and it's been already brought up, is the impact of these exemptions. One of the potential exemptions is from the Endangered Species Act. Back in the 1970's, opponents of the Tellico Dam failed to defeat the dam on economic grounds on its countless socioeconomic impacts, so they were forced to fight the dam using a 3-inch-long fish, the snail darter, under the Endangered Species Act. More recently the same sort of tactic was forced on the Westway project when needs for public transit et al. couldn't be brought up; so we brought in the striped bass and the adequacy of the corporation's EIS.

Today we are again struck by a public works project's lack of utility, both in terms of cost benefit and potential impacts to the environment.

As in the case of Tellico and Westway, instead of assessing the benefits of the project itself, we find ourselves evaluating impacts on State parks and endangered species. It continues to amaze us how these public works projects, pork barrels in the jargon of the times, take on a life of their own, refusing to die even in the face of overwhelming evidence to the contrary as to their usefulness and lack of economic benefit. This is in the face of a $200 billion annual deficit.

One final comment. As Senator Stafford mentioned in his statement at the beginning of this hearing, should this S. 1796 legislation open the door for exemptions, how is this congressional body going to determine which other projects should be exempt and which should not. Moving from the national interest to the more local interests, the consideration of alternatives to this project has also been justified since the island of Oahu could better spend these funds on projects that will relieve existing congestion and provide future corridors to those areas slated for major development. Thank you.

Senator SYMMS. Thank you very much.

We'll start with Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman. My question will be brief. I failed to ask the others and I suppose the best person to answer this would probably be Mr. Brown, but I recognize that you might give a prejudiced answer, meaning that you represent the other side. My question is this, if you come from the windward side over proposed H-3, where does it get you to? Do you then have to go on some other highway to get—say to city hall in downtown Honolulu?

Mr. BROWN. Sir, the urban corridor for Honolulu is from where H-3 comes in down to down here. That's starting at Waikiki and downtown Honolulu.

This area here, on the map, is the urban core. Seventy-five percent of the people—80 percent counting Waikiki, 80 percent of the trans Ko'olau commuters go in this corridor. If you were to get on H-3, what you would have to do is you would get on H-3, you would come in at the very top of that urban area and then you would be forced to go all the way through the urban corridor to get to town.

Senator CHAFEE. Unless you were going to the base or unless you were going out to Ewa; is that right?

Mr. BROWN. Yes. But, remember only 20-percent maximum of the people who commute trans-Ko'olau are doing that now.

Senator CHAFEE. The rest are going downtown.

Mr. BROWN. The rest are going downtown, that's right.

And this area here, where I am holding my hand, just below where H-3 comes in, is overwhelmingly the most congested commuting traffic point that we have today period, overwhelmingly the most congested.

So nobody is going to get off of H-3 and walk into that mess to get downtown.

Senator CHAFEE. Mr. Toguchi, are you still here?

Mr. TOGUCHI. Yes, sir.

Senator CHAFEE. Is that a fair answer that he is giving or briefly, could you give me your answer to that same question?

Mr. TOGUCHI. Well, sir, I am not sure about that 20-percent figure.

Senator CHAFEE. I remember driving that road, what's the name of it?

Mr. TOGUCHI. H-1.

Senator CHAFEE. H-1.

Mr. **Toguchi**. H-1 runs here.

Senator **Chafee**. It's pretty tough, isn't it, where H-3 comes into H-1. No, above and now you go south. That's pretty crowded.

Mr. **Brown**. That's called the Red Hill area.

Senator **Chafee**. Give Mr. Toguchi a chance.

Mr. **Toguchi**. The intent is to take some traffic off the two corridors to go to H-3.

Senator **Chafee**. Going to the base or going to Ewa?

Mr. **Toguchi**. Right.

Senator **Chafee**. You don't think that people who are going to downtown Honolulu would take H-3?

Mr. **Toguchi**. Today most likely they'll be taking Pali Highway over to Likelike.

Senator **Chafee**. No. If H-3 were built, would a person who wanted to get downtown Hawaii, would he take H-3?

Mr. **Toguchi**. No. They most likely would take Likelike or Pali.

Senator **Chafee**. Because he would have to fight his way down H-1?

Mr. **Toguchi**. Just another point. The second city that the city is talking about will be here, Kaneohe and Kailua. They are bedroom communities.

Senator **Chafee**. OK. My time is restricted. I just want to ask one other question. I looked ahead and read the Dillingham gentleman's testimony and it seems to me that the statement that you're making is that Mr. Brown or maybe it's Mr. Reppun, that said that no launching pads, nothing has been started. I read Mr. Dillingham or Mr. Banks' testimony and he says that things have been started. He says there's a chunk built from over there from Kaneohe down and that a bridge has been built. What's the answer to that?

Mr. **Brown**. The correct answer to that is that there is a short segment here, where I am holding my finger. This has been completed. It has independent utility. We're not obstructionists. For 10 years we have volunteered to let them hook it up in spite of the injunction and they have declined to do so, apparently to keep public pressure on, but that's a 2-mile segment.

What we're talking about to be built is 10.7 miles and you don't need to have that 10.7 miles for that 2-mile segment to have independent utility.

Senator **Chafee**. All right, thank you. Thank you, Mr. Chairman.

Senator **Symms**. Senator Burdick.

Senator **Burdick**. No questions.

Senator **Symms**. Thank you very much. We'll now call up Clarence Kido, Robert Robinson, Carlton Robinson, Stanley Osada, Paul Banks, Jack Richardson, and Reb Bellinger. We'll start right out with you, Mr. Kido and I guess it will be Lloyd Jones that will be speaking on behalf of Paul Banks. Mr. Kido, welcome to the committee, is representing the Kaliua Chamber of Commerce, the Construction Industry Legislative Organization and Cement and Concrete Products Industry of Hawaii. We're glad to have you here.

STATEMENT OF C. MIKE KIDO, PRESIDENT, KAILUA CHAMBER OF COMMERCE

Mr. KIDO. Thank you for this opportunity to appear before you. If I may, for the sake of time, enter my testimony into the record.

Senator SYMMS. Without objection, all of your statements will be part of the record.

Mr. KIDO. Thank you, Mr. Chairman.

The Kailua chamber has long been a problem solving organization within the community. One example of this is a couple of years back, if you recall, the Kailua area services as part of what we consider the Marine Corps Air Station. We consider the Marine Corps Air Station part of our community.

Several years back we had a disruptive occurrence which the Kailua chamber and other community groups came together and formed what we called the Windward Military-Civilian Council to enhance communication between the military and ourselves since they are a fairly large and integral part of our community.

As noted in previous testimony, the Marine Corps Air Station Base, which is located at the terminous end of H-3, of which an approximately 4-mile segment has already been completed and linking H-3 is probably the only real access to the base that we have.

In addition, I would like to point out to the committee that, as compared with the other communities which have H-1 and H-2, the windward community does not have adequate transportation requirements presently and any further delay would just aggravate that situation to an already intolerable traffic dilemma.

If I may, Mr. Chairman, in using the diagram, the Marine Corps Air Station base is here. H-3 would link up in proximity to other major military facilities, including Pearl Harbor, Hickam Air Force Base, Barbers Point, which is located in the Ewa plains area, Wheeler Air Force Base which is located up at Schofield and Schofield Barracks which is the home of the 25th Infantry Division.

In addition, though we are called bedroom communities and Kailua is a very, I would say upper middle class bedroom community, we're a fully developed urban area with a very active business center of small businesses, our concern is for the transportation adequacy for bringing in goods and services as well as the flow and flexibility of military movement in the islands, even on maneuvers as well as during military emergencies.

In addition Schofield was referred to in previous testimony about population guidelines. I would like to stress that the population figures that were given in reference to the general plan and development plan context are guidelines and they have the 5-percent plus or minus factor with a moving target. Thank you.

Senator SYMMS. Thank you very much.

Mr. Robert Robinson, Chamber of Commerce of Hawaii. Welcome to the committee.

STATEMENT OF ROBERT B. ROBINSON, PRESIDENT, CHAMBER OF COMMERCE OF HAWAII

Mr. ROBINSON. Thank you, Senator Symms.

My name is Robert Robinson and I am president of the Chamber of Commerce of Hawaii. We're a State chamber and we also serve the city of Honolulu and have since 1850. We are one of the oldest chambers in the United States. We have represented our business community, through six forms of government.

We, as a chamber do have regular conventions of our members and we draw over 300 delegates to those chamber conventions. Since 1974, we have strongly supported this project. We, as a State chamber also have local chambers including the Kailua chamber, other geographic chambers and ethnic chambers, some 14 of them and they all serve on my board and they all are in support of this project and have been for a long time.

The economic growth of our State has been discussed and I will depart from my text to describe the chamber's feeling about some of that growth.

We have had, over the last 20 or 30 years, a tremendous growth of tourism. When I moved to Hawaii in 1949, we had less than 50,000 tourists—we now have 5 million.

We used to be mostly an agricultural community—sugar, pineapple and the like. Now with the dominance of tourism, we are quite concerned about being a single-industry State and so we want to build on some of the other industries that we have and one is the military. We have a total economy of about $14 billion and $2 billion of that is military. Our military bases offer perhaps the greatest opportunity for diversified growth. The greatest current opportunity is the Pearl Harbor Shipyard. There are some 7,000 workers in the Pearl Harbor Shipyard now and they reside in all parts of the island of Oahu.

Some talk about building a community and say that people will live there and work there. But people, to a certain extent, live where they want to live. I know, because in a previous life being in the concrete business and having a quarry both on the Waimanalo side and on the Barber's Point side of Oahu, I had workers that would work in one area, which is near one end of this corridor, and some that would work at the other. They lived pretty much where they wanted to.

As military activities increase and I think they will over the next several years, people are going to want to get to those facilities and you're going right back to the origin of the highway development. Its very basis was as a defense highway system and an Interstate Highway System and the people that planned it in the beginning planned it that way, that is why it does so well serving the needs of our community. Thank you, Senator.

Senator SYMMS. Thank you very much.

We have another Mr. Robinson, Carlton C. Robinson.

STATEMENT OF CARLTON C. ROBINSON, EXECUTIVE VICE PRESIDENT, NATIONAL HIGHWAY USERS FEDERATION

Mr. ROBINSON. I am the executive vice president of the National Highway Users Federation. I am presenting today the testimony of Bill Thibadeau who is the chairman of the Hawaii Highway Users Federation.

The Hawaii Highway Users Federation is a nonpartisan, nonprofit group of individuals, local businesses, and associations dedicated to an orderly improvement of Hawaii's highways and the reduction of the deaths and injury toll on Hawaii's streets and roads.

The Highway Users Federation of Hawaii has continually supported the need for Defense and Interstate Route H-3. Upon completion it will serve the commuting and trucking needs of the Island Oahu and will provide a fast and efficient transportation corridor for the military between Pearl Harbor and the Kaneohe Marine Corps Air Station. The two existing highways that serve the windward community are now operating well over their safe and efficient peak hour capacity and congestion is high and it is getting worse as both the opponents and proponents of this project have already testified.

The quick transport of goods and services to the windward community from Honolulu Harbor over the mountains is vital. When built, the H-3 route will connect the leeward to the windward Oahu. Leeward is where the new deep draft harbor will receive bulk freight and then deliver it to warehouses. From the warehouse area, goods must be trucked, hopefully along H-3 to the stores and homes of the windward side.

Thus H-3 is essential to the economic health of the windward Oahu. On the present highways, Pali and Likelike, there are major hills that trucks must climb, thus reducing the speed of the traffic in the right lane. On the descent side, they have truck runaway ramps that are used weekly. The major truck haulers have voluntarily limited their use of the existing highways to nonpeak hours, but there are economic costs to shorter hours and they allow no contingencies for meeting emergencies.

To further complicate the picture, the Honolulu Police Department has recently asked fuel haulers not to use Likelike and Wilson Tunnel. Their concern is that in the event of a fire in the tunnel, there is no adequate way to remove other tunnel occupants.

The H-3 tunnel, because it is being built with substantially better ventilation, monitoring, and safety features than either of the other tunnels, would provide a permanent solution to this problem.

Another reason why H-3 will be superior for truck travel is that it is an interstate rather than an arterial road thus there will be limited access points. Both Likelike and Pali run partially through residential and commercial areas with driveways, intersecting side roads that create conflict.

The alternative posed by the opponents to H-3 is to further widen these two residentially oriented roads and yet what is needed is a safe, efficient, modern facility with on and off ramps for both passenger and truck traffic.

The Highway Users Federation of Hawaii respectfully requests the support of this distinguished committee for Senate bill 1796.

Senator SYMMS. Thank you very much for a very excellent testimony.

The next witness is Stanley Osada.

STATEMENT OF STANLEY OSADA, PRESIDENT, HAWAII CHAPTER, ASSOCIATED GENERAL CONTRACTORS

Mr. OSADA. My name is Stanley Osada and I am president of the Hawaii chapter of the Associated General Contractors. I would like to thank the distinguished chairman and the members of the subcommittee for allowing me this opportunity to present the chapter's position on H-3. The Hawaii chapter of the AGC represents 135 general contractors, 262 specialty contractors, 113 material and equipment dealers, and 46 affiliated companies such as banks, insurance and bonding companies. I have attached to my prepared statement a list of our membership and ask that they both be inserted into the record.

[The attachment to the prepared statement has been retained in committee files.]

Senator SYMMS. Without objection, so ordered.

Mr. OSADA. The Hawaii chapter of AGC has supported the construction of H-3 for many years. And although there are other very important reasons to complete this project, I would like to focus on two. First, that it is desperately needed and second, we see it as an opportunity to provide needed jobs and work for our members.

The traffic congestion on the existing highways across the Ko'olau's is already untenable. We have examples of people having to leave home at 4 or 5 o'clock in the morning to avoid the traffic on their way to work. Traffic continues to build on these highways and will get worse during the 8 to 10 years it will take us to complete the construction. The only workable solution that we see is to build H-3.

In building H-3, we are going to provide many jobs for the employees in our depressed construction industry. A few years ago, the construction industry of Hawaii was comprised of 27,000 craftsmen. Today it is less than 16,000, and we believe that the construction of H-3 will represent 2,500 jobs per year for approximately 8 to 10 years. These are primary construction jobs and do not include the secondary jobs which our State government computes to be two and a half to three times as many or about 7,500 jobs.

This total of 10,000 jobs is a very important number for our small State. Hawaii is small in population and in physical size and also we have limited opportunities for building an economic base and the construction of H-3 will have a meaningful, positive impact on our economy.

Being a small and isolated State, it is especially important that we start promptly on this project. We do not have unlimited resources. Already this project has been delayed too many years. To meet the congressional mandate to obligate all defense highway funds for 1990, many of our resources such as equipment, men and materials will be taxed to capacity, even if we started tomorrow.

If we are forced to delay construction much longer, the reasonable capacity of our industry will be exceeded, and we will have to seek assistance from outside the State which will prove to be very expensive and not in the best interests of the people of our State.

We don't want to be in the situation of building this project on a crash basis. Every day earlier that you permit us to start work on this project will represent a savings to the taxpayers.

Sir, I represent a construction industry that has had to suffer emotionally and economically each time a small group of people dreamed up a new way to delay this job. This exercise has been going on for over 12 years, almost 13 years and we request that you permit us to get on with what we do best, that is making Hawaii a better place for all its citizens to live in.

Please give your approval to this action which will permit construction of H-3. Thank you.

Senator SYMMS. Thank you very much.

The next scheduled witness is Paul Banks; Mr. Lloyd Jones will give Mr. Banks' testimony. Go right ahead, Mr. Jones.

STATEMENT OF PAUL BANKS, PRESIDENT, DILLINGHAM CONSTRUCTION PACIFIC LTD, PRESENTED BY LLOYD JONES

Mr. JONES. Thank you, Mr. Chairman. Mr. Banks asked me to convey his appreciation to you and the committee for the opportunity to appear before the committee and I would ask that his written remarks be included in the record, and I would just like to comment on one or two points that he made.

Senator SYMMS. Without objection, so ordered.

Mr. JONES. Before starting, there are two other things I would like to include in the record that might be helpful. One is a reference for an earlier question that was asked: How much traffic would flow to the leeward side of the island and not into Honolulu? The projection for that is included in one of the approved environmental impact statements and I have the reference here for the record. It's the H-3 EIS appendix B, volume III, 1980, North Kahaluu Valley EIS Supplement and that shows that 30 percent and not 20 percent of the traffic would be non-Honolulu directed.

The second thing I would like to include in the record is a one page letter from Mayor Fasi to one of the organizations to which we belong, the Cement and Concrete Products Industry of Hawaii and in that letter, Mayor Fasi is expressing his support for H-3.

[The letter referred to follows:]

OFFICE OF THE MAYOR,
Honolulu, HI, June 27, 1985.

Mr. GEORGE S. ISHIDA,
President, Cement and Concrete Products Industry of Hawaii, Control Data Building, 2828 Paa Street, Honolulu, HI.

DEAR MR. ISHIDA: I am in favor of the construction of H-3 since it would alleviate the traffic congestion across the Koolau Mountains.

The Department of Parks and Recreation has no objection to the location of H-3 around Ho'omaluhia Park. In fact, there are certain advantages to the proposed location of H-3.

Our parks people have, in the past, informed the State that the park acreage was expanded considerably to meet the boundary of the highway to prevent any residential development on the borders of the park. Ho'omaluhia Park was planned as a quiet mountain retreat type of area with camping, so an urban residential development would be incompatible with this park. Under these conditions, the controlled access highway is acceptable as a buffer. We are generally satisfied with the State Transportation Department's planned efforts to create a sound barrier and to screen the highway from park users' view.

This park and flood control project is a joint effort of the City and County of Honolulu and the U.S. Army Corps of Engineers. Therefore, we cannot ignore the fact that this is both a park and flood control area.

I want to thank you for your effort in this matter.

With warm personal regards.

Sincerely,

FRANK F. FASI,
Mayor, City and County of Honolulu.

Mr. JONES. I would now like to go back to Mr. Banks' testimony and comment on a couple of things there.

Mr. Banks is president of Dillingham Construction Pacific, one of the many construction companies in Hawaii ready to complete the construction of H-3.

For over 10 years, our company has been building and working on the stop and start H-3 project. We've built some of the already completed 4 miles of H-3. On the Kaneohe Marine Corps Air Station, end of the project, we built some bridges and roadways and on the other end we built some ramps that connect the Halawa end of the project.

In total, we have already spent over $20 million of the State's money on this project. We are currently stopped on two contracts, one where the highway crosses Kamehameha Highway and we have another contract where we're low bidder but have not been awarded the work to build—the access road into the tunnels in Halawa Valley.

Mr. Chairman, we have seen first hand the chaos and unnecessary cost incurred each time the opponents find a new legal loophole to stop this ongoing project. Each time work is stopped, there is a personal hardship when we have to terminate employees. There is additional cost while we have equipment standing by waiting for instructions. There is a loss of productivity by stopping and starting and there is a deterioration of uncompleted projects.

On the last project we had stopped, the Hale Kou Interchange project, we had over $50,000 of standby cost for equipment while we were waiting direction.

We had an unsafe situation, with an uncompleted stream culvert which threatened homes in the area and the highway was in a substandard temporary detour situation.

Mr. Banks has included some other remarks about his personal feelings as a lifetime resident of Honolulu and a 30-year resident of Kailua and Kaneohe and the need to plan for the growth and provide homes for their children and their children's children.

Senator SYMMS. Thank you very much, Mr. Banks entire statement will be a part of the record. Did you have a concluding remark?

Mr. JONES. Yes. My concluding remark, sir, is that we need environmental laws, we need them to protect parks, historic sites and air environment, but we need reasonable laws. In the case of H-3, I think those laws are being manipulated and misconstrued and are just being used as a tool to stop the project rather then to protect the environment. In the situation before you today, I am asking that we strengthen those laws by having Congress demonstrate that they intend these laws to be reasonable and for the betterment of all the people.

Please let us build H-3, the project that has passed all reasonable tests and a project I believe has been executed as intended by Congress. Thank you, Mr. Chairman.

Senator **Symms**. Jack Richardson, chairman of the Citizens for H-3.

STATEMENT OF JACK RICHARDSON, CHAIRMAN, CITIZENS FOR H-3

Mr. **Richardson**. Thank you, Mr. Chairman. Before I start, I would like to submit my written testimony and then I just would like to have a few brief remarks because it is getting late.

Senator **Symms**. Without objection, your written testimony will be included.

Mr. **Richardson**. Thank you. I would like to clear up a previous point. The three members of the Oahu County City Council who signed the letter against H-3 do not represent the area affected. The two city council members who do directly represent the area affected on both sides of the mountain, did not sign the letter.

I am a resident and small business man from the windward side in Kailua. I am chairman of the Citizen's for H-3. The Citizens for H-3 was established to counteract the minority that has successfully, through the courts, have imposed their wills on the majority of the citizens of Hawaii who really want H-3. The creation of the Citizens for H-3, about 3 or 4 years ago, was a grassroots kind of thing. It was established at my house one night with neighbors and friends in Kaneohe and Kailua and the common thread was that we felt very strongly that the majority of the people on the island, through surveys really wanted H-3, but nobody was their spokesperson. There was no citizen's group for H-3. There was a citizens group to stop H-3 but nobody was addressing or articulating the vast majority of the people on the island, the silent majority, the people that have to sit in the traffic jams and say we really want that highway and that's why we formed that group, Citizens for H-3.

We have over 100 members and community groups on Citizens for H-3. The Kailua Chamber of Commerce, Kailua Community Council and the Kaneohe Business Group are a few of the community organizations that belong to it.

There are over 125,000 people that live on the windward side presently. The majority of those people work on the Honolulu side and commute everyday. There is only two highways across the mountain.

The building of the third highway would greatly alleviate the problem. We need H-3 now and we need it as soon as possible.

Building H-3 would add to the quality of life of the people who spend 2 or 3 hours of their precious time everyday commuting to work. Previously it has been stated in other testimony that only 20 percent go across the mountain and then go north to the Honolulu business district, but with the building of the second urban center and the creating of industrial-zoned land and jobs, those peoples' jobs, those companies they work for will move a lot of them to the Ewa plain. They need to get to work.

A lot of them have lived on the windward side for 10, 15, 20 years. They want to stay there, so we need H-3 so that a lot of people can get to work.

Senator SYMMS. Thank you very much.

Now we have our next to the last witness, Reb Bellinger.

You are the one who did a survey; is that correct?

Mr. BELLINGER. Yes, I did.

Senator SYMMS. I see that survey is attached to Jack's testimony.

Mr. BELLINGER. It's attached to mine.

Senator SYMMS. Thank you, go ahead.

STATEMENT OF REB BELLINGER, VICE CHAIRMAN CITIZENS FOR H-3

Mr. BELLINGER. Mr. Chairman, members of the subcommittee, I'm Reb Bellinger and I am the vice chairman for the Citizens for H-3 and I appreciate the opportunity to appear here and speak to you in favor of this project. As Jack Richardson just mentioned, we're an organization which was created in support of the project and to act as a focal point for dissemination of information on the H-3 project.

To give you an example, this is a type of brochure right here which we utilize in passing out through the community and I would like to add this also into the record.

[The brochure has been retained in committee files.]

Mr. BELLINGER. We have also established a very large bumper sticker campaign, as you can see by this type of a bumper sticker and as we have initiated these things, it would amaze the subcommittee as to the number of vehicles traveling around town that actually have this thing on their car.

Now, regarding the surveys, one survey which was conducted was in the windward area which is commonly perceived to be the hotbed of opposition to the H-3 project. It encompasses an area that Mike Kido will show you from Kaneohe going all the way north to Laie.

Now, we completed 422 polls. In an area, one up in the northern part of the island in Laie, our results indicated a 75-percent pro-H-3 attitude. Moving down the coast to Hauula, we had a 69-percent pro-H-3 attitude. Down in Kahaluu, we had a 70-percent pro-H-3 attitude, and in the area of Ahuimanu we had a 78-percent pro-H-3 attitude.

Now this represents an overall area attitude of 74 percent in favor of the H-3 project, and with the survey, we estimate we're within a margin of error of plus or minus 5 percent.

It might also interest the subcommittee to note that this is the same area which Representative Nakata, whose testimony was entered earlier, represents and although he is ardently against the project, that is not reflected in the views of the constituents there.

Now the second survey done was conducted a few months later in nearby Kaneohe. This was a joint project between the Kaneohe neighborhood and the Honolulu Community College. This survey was completely independent of the one previously mentioned. There were no common participants nor was there any exchange of information between the people who conducted the first survey and those conducting the second one.

Approximately 70 percent of the Kaneohe residents polled said they were in favor of completing the H-3 highway.

Seventy-one percent said a family member currently commuted and was involved in this daily traffic on the Likelike and that 73 percent of those interviewed said that because they work in that Leeward Oahu or Pearl Harbor area, they would use H-3 to commute to work.

In a different perspective, H-3 must be considered a lot more than just a transportation issue.

We live on an island and we have a fragile existence so our planning has to be very good. The urban growth plans do call for a second urban center in that other area. By the year 2000, it is also estimated though that approximately one-third of all windward residents will work in that leeward area. So basically H-3 will pull off both the Pali and Likelike all of that traffic which will be going directly out into that area.

There are other considerations too that have to be considered in terms of the amount of frustration that is built up by traveling bumper to bumper every day, morning and afternoon, and these frustrations are oftentimes transferred into the workplace.

If you have already been traveling an hour and a half or 2 hours in the morning, going about 16 miles an hour, on the average, and you come into work and somebody says, "good morning, how are you today," you can almost imagine what some of the responses are going to be like and this will have a negative effect on both the short term and the long term.

Now right now I commute this particular area.

Senator SYMMS. Can you summarize as soon as you can?

Mr. BELLINGER. Yes. I commute this area and on a 4-mile feeder stretch it takes 30 minutes to go just 4 miles and once you're on Likelike, which currently feeds into Honolulu, you can only average about 16 or 17 miles an hour, so these time delays are really quite an irritant.

Senator SYMMS. Your entire statement will be a part of the record.

Mr. BELLINGER. I just have one last section here that I would like to address. Given the results of the surveys and the other types of testimony that have been presented by those of us supporting the project, you know it's an outrage, frankly, to have a small opposition group frustrate the will of the majority of the people and I would urge this committee to support us in giving us that congressional relief and allowing us to complete that H-3 project.

We're counting on the committee and we're confident that you will realize that by reviewing all the testimony here today that you will agree that, yes, there is a need and that you will help us over that 4(f) problem. Thank you and aloha.

Senator SYMMS. Thank you very much for a very well-thought-out statement.

Senator SYMMS. I wanted to get one picture clear in my mind. I think, Mr. Robinson, you started to point out that Kaneohe is where that Marine Air Base is; is that correct?

Mr. ROBINSON. Yes, it is, Senator.

Senator SYMMS. And the 25th Infantry is right near there. What's the name of that base?

Mr. ROBINSON. Schofield Barracks.

Senator SYMMS. And where is the Marine Brigade based?

Mr. ROBINSON. At Kaneohe.

Senator SYMMS. They're at Kaneohe also with the Air Wing?

Mr. ROBINSON. Pearl Harbor is the largest employer. Totally the military employs about 60,000 people, so they are a huge employer. Just the shipyard alone is over 7,000 people. In most areas we see a great deal of potential employment growth.

Senator SYMMS. So there are about 60,000 at Pearl that are working in the naval base?

Mr. ROBINSON. Total, Senator, civilians as well as military.

Senator SYMMS. Total civilian and military?

Mr. ROBINSON. Right.

Senator SYMMS. If I were less of a gentlemen I would mention the fact that November 10 is the 210th birthday of the Marine Corps and they need those roads so the other services could be protected if any crisis occurred.

Well, thank you very much, I appreciate all of you being here.

Now our last witness will be Wayne Gagné, Sierra Club, Hawaii League of Conservation Voters, Hawaiian Botanical Society, Hawaii Trail and Mountain Club and Greenpeace.

Mr. Gagné, would you please come forward?

I just want to say thanks to all of those witnesses and I hope that everyone was able to make their presentations. I might say that we will kepp our committee record open for a week or so, which is customary here, and if there are others that wish to submit any testimony, please address it here to the Environment and Public Works Committee of the Senate. Mr. Gagné.

STATEMENT OF WAYNE C. GAGNÉ, REGIONAL VICE PRESIDENT, SIERRA CLUB, HAWAII CHAPTER

Mr. GAGNÉ. Mr. Chairman, before I begin, I would like to submit, also to the record, the testimonies of the other groups, in addition to those that you mentioned; namely, Life of the Land, the Save Kawela Bay Association, the Kawai Nui Heritage Foundation, and the Hawaii Audubon Society, who are also opposed to S. 1796.

My name is Wayne Gagné. I have a doctorate in entomology and I am presently education specialist in natural history at the Bishop Museum in Honolulu.

I am submitting this written testimony in my present capacity as regional vice president of the Hawaii chapter of the Sierra Club in opposition to Senate bill 1796 and ask that it and subsequent additions to my testimony be included in the record.

Senator SYMMS. Without objection, it will be.

Mr. GAGNÉ. As a scientist and educator, I have had long on-the-ground experience with much of the pathway of the proposed freeway on both its windward and leeward alignments. The old analogy of an elephant being actually a mouse built to government specifications is particularly apt here—H-3 representing the elephant and disgruntled windward commuters the mouse.

You are being asked to set aside all laws, including the powerful 4(f) provisions, and spend upward of $1 billion for a project conceived in the 1960's that will only address a peak traffic commuter problem that will also intensify the congestion at the Halawa end of the H-3 corridor during these peak commuter hours.

Previous attempts to negate 4(f) provisions have never been successful in Congress, withstanding recent efforts to exempt Westway in New York; and even former Senate Committee on Environment and Public Works Chairman Senator Howard Baker was thwarted in the late 1970's to set aside 4(f) provisions, by his own committee.

In spite of all the controversy and attention this project has drawn over the past 13 years, environmental impact studies, especially biological and archaeological, have yet to be done or completed for certain sections of the freeway corridor, namely, that area from the Haiku Valley tunnel portals to the Luluku banana farms. As our lead counsel, Boyce Brown has pointed out, the Luluku area has major archaeological sites recently discovered by Bishop Museum archaeologists. These sites are of such sensitivity that the archaeology report was stamped by the Hawaii Department of Transportation as "Restricted, not available to the public," citing provisions of 16 U.S.C. 470aa; that is, disclosure of these sites would jeopardize their continued existence and I would like to request entry of that report, the Luluku archaeological survey, to the record.

Of course putting a freeway on top of such sites would destroy them completely, but such is the "destroy them in order to protect them" logic of our State Department of Transportation [DOT] and arrogantly bury the rich cultural record of people like Vera Rose, who testified earlier.

It is our belief that the State DOT now recognizes that they have uncovered yet another extremely sensitive area with inherent 4(f) problems.

When the EIS was first written, which would have covered the Luluku area more adequately, the State DOT told museum archaeologists to stay out of the area, ostensibly since the banana farmers there would object to their supposed intrusion. We now know of an alternate reason.

This bill would preclude any subsequent EIS surveys and obviate new 4(f) problems. In the EIS's already prepared, the DOT made assurances that in the event of a major dike-perched water supply discovery during the trans Ko'olau tunneling, the project would be stopped. Such would be but a hollow promise should this legislation pass.

We prefer that the H-3 Federal moneys be transferred as speedily as possibly to other O'ahu transportation needs, including upgrades of the existing Likelike and Pali corridors to speed traffic flow into and out of the city of Honolulu as was suggested by the Federal courts, and to mass transit projects in the densely populated portions of Honolulu which will otherwise rapidly approach gridlock without it.

This would help alleviate rush hour traffic congestion for the windward commuters and not lock Honolulu out of the possibility of a fixed-rail mass transit system forever. In the long run, we believe that these approaches will provide for an even more Hawaii based, Hawaii construction jobs than construction of the H-3 dinosaur.

Now, Mr. Chairman, we don't question that a majority of windward commuters want traffic congestion alleviation, but these commuters are not firmly wedded to H-3 as the only solution, as some legislators and others would have you believe.

Mr. Chairman, you indicated earlier that you would be in Hawaii during December 27 and 28 and would be meeting with the Department of Transportation officials to get input on this project. We respectfuliy ask that you hold field hearings in Hawaii to get a broader perspective on this very controversial question.

This concludes our testimony. Thank you very much for allowing us the opportunity to present it.

Senator SYMMS. Thank you all very much and I would like to again thank all witnesses who I think gave the committee a very good insight and both sides were very well aired here in this committee and I think that I can assure everyone that the attitude of the committee will be to carefully review all the testimony and then take some action, if appropriate action is deemed in the future or no action, if no action is deemed appropriate, but we certainly will take those witnesses who testified today into consideration and try to resolve the problem for those of you who live in Hawaii.

Thank you all very much.

The committee stands adjourned.

[Whereupon, at 1 p.m., the hearing was adjourned.]

STATEMENT BY SENATOR DANIEL K. INOUYE BEFORE THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE, H-3 PROJECT IN HAWAII, NOVEMBER 6, 1985.

Mr. Chairman, thank you for convening this special hearing to address an issue of great importance to the State of Hawaii. I am aware of your Committee's full agenda, and I know I am joined by my Colleagues from Hawaii in expressing our great appreciation for your prompt consideration of our concerns.

The controversy over H-3 is not new to Hawaii. For over twenty years, the State of Hawaii, together with the Federal Highway Administration, has been trying to build the Defense and Interstate Route H-3. During this time period, the H-3 Highway project has been extensively planned and replanned by the State to take all environmental issues into consideration. Specific environmental questions raised by concerned groups in the State have been addressed and considerable accommodations have been made. The State has met and surpassed the requirements of a myriad of Federal and State environmental laws, including the National Environmental Protection Act and the Endangered Species Act. I have here Mr. Chairman, a compilation of the Environmental Impact Statements, and other related studies and reports conducted on H-3 by the State and approved by the Courts. (We have a four-foot stack of documents for you to display to the Committee at this point) As you can see, a great deal of thought and planning has been done by the State to go that extra mile to satisfy all environmental concerns.

Despite this impressive record of planning and accommodation, the H-3 project has been stopped by the Ninth Circuit Court's recent ruling regarding Section 4(f) of the Federal Aid Highway Act of 1966; an act whose genesis was here in this Committee of the Senate. Based on the legislative history of this Act, I feel it is clear that Congress, through 4(f), expressed its will that new Interstate highways should not go through, or take from park land. With H-3, however, the opposite is the case. In the planning of the H-3 project, the State actually created park land--the Hoomaluhia Park--adjacent to the highway route and provided for a buffer zone to ensure that there would be no development between the two. The park was later expanded to the boundary of the highway route to further protect the undeveloped status of this land. The State also established a common right-of-way for the park and highway and coordinated hydraulic and landscape design between the two. Despite this detailed coordination, however, the Ninth Circuit Court found H-3 to be "taking" of the park--the park the State in fact created--because of possible noise and air pollution.

Mr. Chairman, I feel strongly that the intent of Congress in the Federal Aid Highway Act has been badly misinterpreted by the Court and as a result, $668 million of Hawaii's Interstate funds are being held hostage. The State has attempted to appeal the Ninth Circuit Court's decision, but the Supreme Court has refused to hear the case, thus leaving the State without further judicial options. Next year, absent action by Congress, the State will be forced to transfer or relinquish the funds dedicated to H-3 and all hopes of completing this important project will be lost. That is why Senator Matsunaga and I have introduced S. 1796 to clear the way for the State to proceed with design and construction of H-3 now.

We would not be taking this action, Mr. Chairman, if we did not sincerely believe that Hawaii needs H-3. By the year 2000, the traffic level between Honolulu and the Windward side of the island will rise from 90,000 to 120,000 vehicles a day. If H-3 is not built, the two roads currently connecting these points will be completely unable to handle this increased load. According to the latest projections, the peak traffic period on these roads would increase to 8 hours a day, creating an almost constant traffic jam. Besides the obvious choking effect this would have on Hawaii's transportation flows, it would also have important defense implications. H-3 connects the Naval base at Pearl Harbor and the Kaneohe Marine Corps Air Station, and I don't have to tell the members of the Committee how ready access between these key military bases is vital to our defense needs.

In closing I would like to stress my personal commitment to the protection of Hawaii's environment. Hawaii has been my home since my birth, and I have a deep appreciation for the unique beauty and splendor of the Islands. If I felt that the construction of H-3 was to be carried out in callous disregard of the applicable laws and regulations which protect our environment, or in a way that would desecrate the natural beauty of my state, I would be leading the charge against H-3. Mr. Chairman, I am convinced that the record clearly shows that the State has bent over backwards to satisfy all environmental considerations regarding H-3. To scuttle H-3 because of the Ninth Circuit Court's decision would not only be unfair, but would also set a bad precedent for environmental policy, discouraging states from establishing new parkland for fear of endangering future highway planning options. I ask the Committee to evaluate the State of Hawaii's record on H-3 and take action to prevent a gross misinterpretation of Congressional intent from seriously damaging Hawaii's and our nation's transportation infrastructure.

SUBMITTED BY SENATOR INOUYE

LEGISLATIVE PRECEDENTS:
ENVIRONMENTAL LAW WAIVERS
Examples provided by CRS and Legislative Counsel

Total exemptions (including 4f)

1) Tellico Dam Construction (P.L. 96-69 Title IV) 1980
   Snail Darter case. Congress gave full clearance of environmental laws after Supreme Court halted project.

4(f) exemptions

1) Conrail Assistance Act (45 U.S.C. Sec. 1116) 1981
   Relating to service transfers by Conrail

2) Alaska Railroad Transfer (45 U.S.C. Sec. 1212) 1983
   Freed State from 4(f) requirements in placement of railroad.

National Environmental Protection Act (NEPA) exemptions

1) Alaska Pipeline Certification (43 U.S.C. Sec. 1652) 1973
   Congress stated that the project's EIS was acceptable, and the pipeline should be built.

2) Rock Island Railroad Construction (45 U.S.C. Sec. 1010)
   Approved the EIS for the project 1980

3) Surface Mining Control and Reclamation Act (P.L. 95-87)
   Regarding Federal lands program 1977

4) Synfuels Corporation Projects (42 U.S.C. Sec. 8775) 1980
   Exempted certain projects from NEPA requirements

5) Blackbird erradication program (P.L. 94-207) 1976
   U.S. Army given exemption from NEPA and ESA to carry out this program.

6) Emergency Drought Relief Act (P.L. 95-18) 1977

7) Alaska natural gas transportation system (P.L. 95-158)
   Stated that any EIS prepared for this system was acceptable. 1978

Other 4(f)-related highway exemptions

1) San Antonio Expressway (P.L. 93-87 Sec. 1543) 1973
   Withdrew this segment from the Interstate system so that 4(f) challenge could be bypassed.

2) Franconian Notch Highway (P.L. 93-87 Sec. 158) 1973
   Exempted this New Hampshire Interstate project from minimum lane requirements.

3) Three Sisters Bridge (P.L. 90-495 Sec. 23) 1968
   Congress exempted this Washington D.C. Interstate segment from all other federal laws and court decisions. (This was challenged in court and the highway plan was finally scrapped).

Statement by the Honorable Daniel K. Akaka
Before the Subcommittee on Transportation
Committee on Environment and Public Works
U.S. Senate
Wednesday, November 6, 1985

Mr. Chairman and Members of the Committee:

Thank you for allowing me this time to appear before you on an issue of great importance to the State of Hawaii--Interstate Route H-3. I am privileged to be here today alongside of my colleagues, Senators Daniel Inouye and Spark Matsunaga and Congressman Cec Heftel.

We appear before you today as a delegation united in its support of H-3. Last week, Congressman Heftel and I introduced H.R. 3659, a companion bill to the Senate bill introduced by Senators Inouye and Matsunaga. In the House, we have the support of the Public Works and Transportation Committee. The Surface Transportation and Uniform Relocation Assistance Act of 1985 contains language authorizing the Secretary of Transportation to approve construction of Interstate Route H-3.

H-3 was conceived in August 1960 as part of Hawaii's Interstate and Defense Highway System consisting of H-1, H-2, and H-3. H-1 and H-2 have been completed and are in service. Upon completion of H-3, the system will provide an integrated transportation facility connecting the major population areas, employment centers, and major defense installations on the Island of Oahu.

In 1967, the alignment of H-3 in the Kaneohe area was established so as to allow for the construction of a flood control project for the Keapuka area, as well as implementation of the City and County of Honolulu's Nuuanu-Pali-Kaneohe Greenbelt park concept. The culmination of these projects is the Ho'omaluhia Park. The State's testimony will demonstrate in detail the efforts that have been made to coordinate development of the flood control/recreation area project and the design of H-3. What I want to emphasize to the Committee is that Ho'omaluhia Park, originally designed as a 75-acre recreation area, was ultimately expanded to its current size of 223 acres so that its boundary would become coterminous with the H-3 right-of-way. The boundary of the park was extended up to the highway to prevent any possible development along the edge of the park, thereby allowing the highway to serve as a natural buffer zone to the park. Nearly two decades of coordinated planning between the park and H-3 were virtually ignored by the Ninth Circuit Court of Appeals in its ruling.

Mr. Chairman, I firmly support the requirements of Section 4(f) that the impact of highway projects on parks be minimized. Had I been in Congress in 1966 when the legislation establishing Section 4(f) was enacted, I would have readily given it my support. The reason we come before you today is that the Ninth Circuit, in its interpretation of Section 4(f), has rendered a decision which goes far beyond what Congress intended when it enacted this legislation. It was in an effort to meet the very requirements of Section 4(f) that state officials expanded the boundary of Ho'omaluhia Park to meet the H-3 right-of-way. Simply stated, Ho'omaluhia Park would not enjoy its expanded boundary were it not for the extensive planning by park and highway officials to minimize any adverse environmental impact on the park. This is precisely the kind of environmental mitigation that was envisioned when Section 4(f) was drafted.

I will not repeat the statistics on the need for the completion of H-3. Again, I refer you to the statements given by others today which will detail the high volume of current and projected highway usage, as well as the community support for its completion. But I must reiterate that there is an urgent need for Congressional action to provide the only practical relief under these circumstances. H-3 is a unique case where a park was actually enlarged by agreement of officials at every government level to the boundary now shared by H-3. I believe that testimonies presented today will show that the planning and coordination between H-3 and the park in question, Ho'omaluhia Park, is an exemplary effort by the State and City governments to see that the park is, indeed, protected from detrimental urban impact. Who could have possibly foreseen that this careful planning would backfire due to the court's interpretation of Section 4(f)?

I believe that we, in Hawaii, have no other alternative than to seek Congressional relief for the completion of H-3. The need for relief from traffic congestion for our Windward residents grows more pressing every day. H-3 has been a carefully planned interstate highway and all concerns have been taken into account in establishing the existing route.

Mr. Chairman, I thank you for this opportunity to present my testimony on the necessity for the completion of H-3. I hope that upon your review, you will concur that H-3 is a unique case which warrants Congressional action.

CECIL "CEC" HEFTEL
1st District, Hawaii

COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEES
TRADE
OVERSIGHT

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE
1034 Longworth House Office Building
Washington, DC 20515
(202) 225-2726

DISTRICT OFFICE
300 Ala Moana Boulevard
Room 4104
P.O. Box 50143
Honolulu, HI 96850
(808) 546-8997

TESTIMONY
OF
CONGRESSMAN CEC HEFTEL

BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
U.S. SENATE

NOVEMBER 6, 1985

Mr. Chairman and members of the committee. I appreciate this opportunity to testify before you on the question of whether the H-3 highway in Hawaii conflicts with section 4(f) of DOTA, 49 U.S.C. section 1653(f) and section 18 of FAHA , 23 U.S.C. section 138.

As I understand the language and intent of the 4(f) provision, the statute should not be construed to preclude the construction of H-3. Section 4(f) provides that special efforts should be made to preserve parklands whenever there is conflict with proposed highway construction. In the instance of the H-3 highway, a park was created as part of the highway development. The park borders were subsequently expanded to be coterminus with the H-3 right of way, while allowing for a sufficient buffer zone between the highway and the park. Thus, the construction of the H-3 highway does not appear to violate the 4(f) law in this instance.

Thank you for your attention to this matter of concern to the people of the State of Hawaii.

STATEMENT OF
R. A. BARNHART
FEDERAL HIGHWAY ADMINISTRATOR
U. S. DEPARTMENT OF TRANSPORTATION
BEFORE THE SUBCOMMITEE ON TRANSPORTATION OF THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
REGARDING A LEGISLATIVE SOLUTION TO THE PROBLEMS OF H-3 IN HAWAII

NOVEMBER 6, 1985

Mr. Chairman and Members of the Subcommittee, thank you for inviting me here today to discuss the problems facing the H-3 highway project, a vital transportation link in the State of Hawaii. Adverse court decisions have delayed this important project to the point where the State is on the brink of losing Federal funding for this important highway. It will be almost impossible to complete the highway in a timely fashion. A recent court decision may require the State to select an alternative which is operationally substandard and environmentally unacceptable. In fact, at the end of this fiscal year, the State will have to decide if it should proceed with this project or lose the opportunity to withdraw it pursuant to 23 U.S.C. § 103(e)(4).

H-3 is proposed as a 16.1 mile Interstate highway on the island of Oahu in the State of Hawaii. It is planned to run between H-1, near Pearl Harbor, to the Kaneohe Marine Corps Air Station on the other side of the island. A 2.2 mile segment on the northeastern end of the route is complete and open to traffic. An adjacent 2.1 mile segment is almost complete, but not yet opened to traffic. At present there are only two largely outdated highways which connect the major population centers of Oahu.

The H-3 highway project has been in litigation since the early 1970's. Major project changes have been made to accommodate the court decisions which have resulted from this litigation. However, a decision last year by the U.S. Court of Appeals for the Ninth Circuit would seem to mandate additional project changes which we believe are contrary to the public interest and, indeed, harmful to the very resources sought to be protected by the laws which the Court of Appeals invoked.

A brief history of the development of the H-3 project and the litigation is in order so that you may see the nature of the problem now confronting Hawaii.

The original alignment for H-3 was from H-1 (near Pearl Harbor) up the Moanalua Valley, a tunnel through the Koolau Mountains, a descent through the Haiku Valley and around the area that later became Ho'omaluhia Park, and on to the Kaneohe Marine Corps Air Station. A six-volume environmental impact statement (EIS) was approved in 1974. In 1976 the U.S. Court of Appeals decided that § 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. § 303; 23 U.S.C. § 138) applied to the entire Moanalua Valley. The alignment was then shifted to the North Halawa Valley, despite an estimated increase in cost of over $250 million.

In the 1960's, after the H-3 project had already been conceived, and prior to the above actions being taken, the Corps of Engineers undertook the construction of a flood control project on the windward side of the Island of Oahu. Ho'omaluhia Park was developed by the Corps and the City and County of Honolulu using land from this flood control project. City park officials were concerned that the ongoing urban development in the Kanehoe area could eventually threaten Ho'omaluhia Park. Thus, the boundaries of Ho'omaluhia Park were expanded in 1974 so as to be contiguous to the already established highway alignment. This was viewed by park authorities as an excellent joint development opportunity, whereby the Park could take advantage of the highway as a barrier both to future urbanization as well as to other undesirable development at the Park's edge.

In 1978, while the studies on the shift to the North Halawa Valley were going on, the U.S. District Court ruled that §4(f) applied to the project because of its common boundary with the Park, despite the fact that (1) the highway would use no land from the park, (2) the park had expanded its boundaries to take advantage of being contiguous to the established highway alignment, and (3) there were no adverse impacts to the park. In 1980, the State and Federal governments approved a revised seven volume supplemental EIS, and asked the District Court to permit the project to proceed on the North Halawa Valley alignment. After a long trial in 1981, the U.S. District Court ruled in April 1982, that the Secretary of Transportation properly rejected makai (ocean side) alternatives to the "Common Boundary" alignment as not feasible and prudent. The Court ruled, however, that a second supplemental EIS/Section 4(f) evaluation was needed to address certain studies undertaken between 1976 and 1980 and to further document why some mauka (mountain side) alternatives were not feasible and prudent. In September 1982, this latest supplemental EIS/Section 4(f) evaluation was approved.

In spite of the exhaustive and thoughtful analysis of the District Court, the U.S. Court of Appeals enjoined much of the project in November 1983, and in August 1984, rejected the §4(f) evaluation saying that the Makai Alternative and the "no build" alternative were not properly dismissed as imprudent alternatives. The Court rejected the § 4(f) evaluation despite the fact that the need for the project had been clearly demonstrated in previous environmental documents and that the makai alignment would increase the cost of the segment between the Kaneohe and the Halekou interchanges from $53 million to $95 million; take 31 homes, 4 businesses, and 1 church; create an undesirable highway project because of geometric, operational, and safety problems; and be totally out of character with the area. It must be remembered that this decision was based on a statute whose purpose is to "protect" a park whose boundary was expanded to take advantage of protection provided by the highway.

The ultimate result of the Ninth Circuit's decision is to make construction of H-3 near Ho'omaluhia Park virtually impossible. The problems associated with alternatives to the one approved by the Secretary in 1982 are so great that it may well be impossible for the State to build any of them.

A final note is in order. The Department has, over the years been a strong protector of § 4(f). Our policies have done much to further the park protection goals established by the Congress in 1966. However, we do not believe that the Congress ever intended to elevate the protection of parkland over all other environmental concerns. Nor was it envisioned that the statute would be used to prevent a highway from being built which would protect the Ho'omaluhia Park by creating a barrier to urbanization or undesirable development. In the decision, the Court ignored the protection provided by the highway to Ho'omaluhia Park and the extensive environmental work already done. Instead, the Court insisted on documentation which will provide no benefit to either the park or the environment.

It is important to note that, except for its overreaching application of § 4(f), the Court of Appeals recognized that the State and Federal Governments demonstrated compliance with all applicable environmental laws. Further, this project has been fully tested in the state court system in Hawaii and found to be in full compliance with State law.

We are, therefore, confronted with a project which is important to sound transportation service in Hawaii, but cannot proceed without much additional delay and modifications which would be very harmful to the environment, all in the name of environmental protection. I look forward to working with the Subcommittee in resolving this important issue.

This concludes my prepared statement. I will now answer any questions you may have.

BACKGROUND INFORMATION

AND

KEY ISSUES ON H-3

FOR

TESTIMONY OF

FEDERAL HIGHWAY ADMINISTRATOR

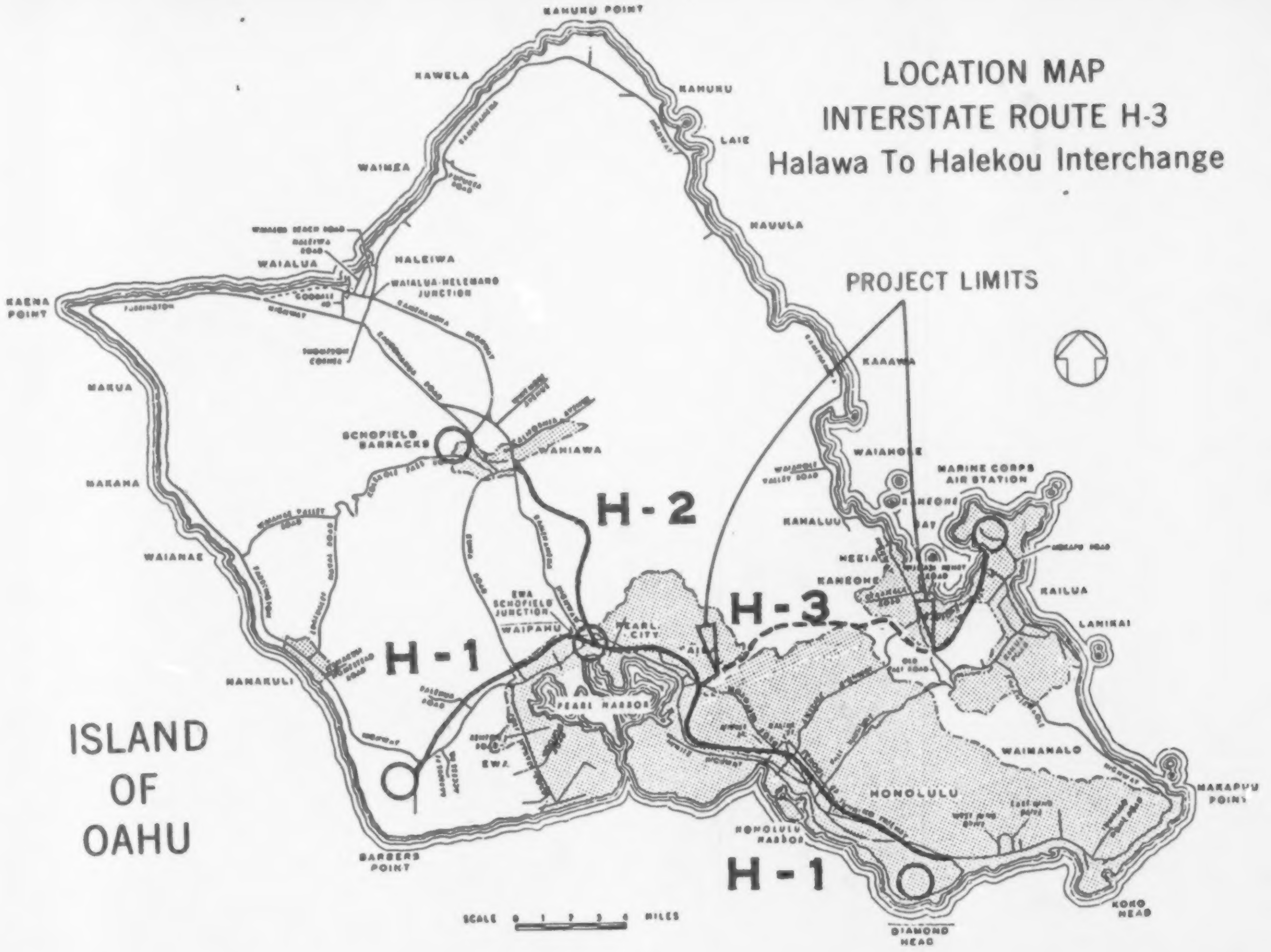
RAY A. BARNHART

TO

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

NOVEMBER 6, 1985

LOCATION MAP
INTERSTATE ROUTE H-3
Halawa To Halekou Interchange


PROJECT LIMITS
ISLAND OF OAHU
H - 1
H - 2
H - 3
H - 1
KAHUKU POINT
KAWELA
KAHUKU
LAIE
WAIMEA
HAUULA
WAIALUA
HALEIWA
WAIALUA-HELEMANO JUNCTION
KAENA POINT
MAKUA
SCHOFIELD BARRACKS
WAHIAWA
KAAAWA
WAIAHOLE
MARINE CORPS AIR STATION
KAHALUU
HEEIA
KANEOHE
KAILUA
LANIKAI
MAKAHA
WAIANAE
NANAKULI
EWA SCHOFIELD JUNCTION
WAIPAHU
PEARL CITY
PEARL HARBOR
EWA
BARBERS POINT
HONOLULU HARBOR
HONOLULU
WAIMANALO
MAKAPUU POINT
DIAMOND HEAD
KOKO HEAD
SCALE 0 1 2 3 4 MILES

H - 3 HISTORY

Early 1960's — Planning Begins

1974 — Final EIS Approved

1975 — Section 4(f) Issue on Moanalua Valley Taken to
U.S. Court of Appeals

1976 — U.S. Court of Appeals Reverses U.S. District Court
(Section 4(f) Applies to Moanalua Valley)

1976 — State Begins Preparation of New EIS for
North Halawa Valley Alignment

1978 — U.S. District Court Ruled that Section 4(f) Applies to
Project because of Boundary with Park

1980 — First Supplement to the H - 3 EIS Approved

April 1982 — U.S. District Court Ruled that Another
Supplemental EIS is Needed

Sept. 1982 — Supplemental EIS/Section 4(f) Evaluation Approved

1983 — U.S. Court of Appeals Enjoins Project

1984 — U.S. Court of Appeals Rejects Section 4(f) Evaluation; All Project
Activities Enjoined Pending a New Section 4(f) Evaluation

SECTION 4(f), DOT ACT

- Same Requirement in 23 USC 138
- Enacted in 1966
- Applies When Project Would Take Land from:
    - Publicly Owned Parks
    - Publicly Owned Recreation Areas
    - Publicly Owned Wildlife Refuge
    - Publicly Owned Waterfowl Refuge
    - Historic Sites, if Significant

REQUIREMENTS:

- Cannot Take Section 4(f) Land unless Secretary of Transportation Finds No Feasible and Prudent Alternative Exists

- If Section 4(f) Land is Taken, All Possible Planning Required to Minimize Harm

U.S. SUPREME COURT
OVERTON PARK DECISION

- "Truly Unusual Factors Present"
- "Presents Unique Problems"

NOTE: Very Important City Park with
Major Impacts

HO'OMALUHIA PARK

- No Taking of Park Land
- No Adverse Impacts
- Park Boundary Expanded to Take Advantage of Highway

CONSEQUENCES OF COURT RULING

A. Build Alternative Which:

- Increases Cost of Section from $53 Million to $95 Million
- Takes 31 Homes, 4 Businesses, and 1 Church
- Is an Undesirable Highway Project
    - Safety Problems
    - Out-of-Scale with Area
    - Visually Obtrusive

OR

B. Do Additional Study to Show the Above is not Prudent

TESTIMONY OF SENATOR MARY GEORGE
BEFORE THE SENATE SUBCOMMITTEE
ON TRANSPORTATION OF THE ENVIRONMENT
AND PUBLIC WORKS COMMITTEE
NOVEMBER 6, 1985

Chairman Symms and Members of the Subcommittee on Transportation, I am Senator Mary George. I have represented the Windward area, the area most affected by H-3, for 17 years, 6 years on the City Council and 11 years in the State Senate.

When I first arrived in Hawaii in the early 60's, I earned a reputation as an environmentalist as a result of a very successful campaign to save a prime piece of property from development for Foster Botanic Gardens, followed by a "save the trees" effort in Kailua and later service on the National Air Quality Advisory Board. As a continuing active member of Lani-Kailua Outdoor Circle, environmental issues are important to me and always have been.

The history of H-3 is littered with misconceptions. Some of the most damaging are those surrounding Ho'omaluhia Park. As a consequence, the Ninth Circuit Court, accepting these misconceptions as fact, has stalled construction of the H-3 and rewritten history in the state of Hawaii as to the relationship between the H-3 highway and Ho'omaluhia Park.

Since this relationship is crucial to the current controversy and since I was a participant in the decision-making process for Ho'omaluhia Park as a member of the City Council, I would like to take this opportunity to correct existing erroneous information regarding how and why Ho'omaluhia was created.

First, the park was conceived out of tragedy; born out of necessity to prevent recurrence of the floods that hit Keapuka and took two lives in the late '60's. The Corps of Engineers flood control project to contain Kamo'oali'i Stream provided the core around which this recreation area was created.

Ho'omaluhia was later expanded from the original flood control project to its present configuration, and the boundary was specifically set at the edge of the already established H-3 corridor. This generous boundary extension was decided upon by the then City Administration and Council for two reasons; to take advantage of the natural boundary that would be provided by the freeway, and to provide a liberal insulating strip between highway traffic and park uses.

It is important to note that the highway was planned long before the park was thought of, even in its initial concept as a flood control project. It is also very important to note that the highway alignment was perceived as a logical perimeter for the park. In other words, Ho'omaluhia was quite specifically planned to be compatible with the presence of H-3 as its boundary. Indeed, Ho'omaluhia Park would not exist in its present configuration without the ingredients of a flood control project and H-3.

Environmental impact statements and engineering studies for the flood control project and recreation area indicate that planning and design information for H-3 were well known and fully considered. (The project was not named Ho'omaluhia until some years later.) A reading of the Final Environmental Statement (1973), Master Plan (1974), and Phase II Final

Environmental Statement (1975) for Ho'omaluhia shows that the plans for both projects were closely coordinated and modified as necessary to minimize any impacts of one on the other. The decision of powerline relocation, for example, was changed to minimize visual impacts.

The January 1973 Final Environmental Statement prepared by the U. S. Army Engineer Division contains the following boundary description (p. 11):

> Project boundaries to the south and southwest have been expanded and are considered the minimum required to provide a buffer zone. These project lands are considered adequate only if the lands between the proposed project boundaries and the proposed H-3 highway will remain as consevation lands. If these lands are acquired by the local sponsors, it will be recommended that they be maintained for nature purposes and as a buffer zone between the highway and the recreation development. Most of the land in this zone is not considered desirable for intensive recreation activities because of the rugged topography, vegetative quality, and proximity to the proposed highway. The one large area with suitable topography is planted in bananas and would require extensive replanting. Although there are several small parcels of land where topography would permit limited development, these areas are considered too close to the highway alignment with respect to a minimal buffer zone. These matters will be examined in greater detail during the Master Plan work for the recreation proposals, and full consideration will be given to potential adverse impacts on the neighboring residential areas. Specific recommendations can be recommended to the local operating agency prior to construction of the project.

The statement clearly shows that the H-3 alignment was not only considered when setting the park boundaries, but in fact used as the southern border. The Environmental Statement further recommends that a buffer zone between the park and the highway be retained in conservation use, with no development allowed. Note that the statement does not recommend the buffer zone for any recreation activites because of the rugged topography and vegetative quality, as well as the proximity to the proposed highway. The February 1974 Master Plan for Ho'omaluhia (Design Memorandum No. 3) reiterates the point that the H-3 right-of-way was considered a natural boundary for the park by stating (p. IV-4):

> One of the major factors influencing the use and development of the site is the proposed H-3 Highway which would encircle the park on the mauka side. The impact of visual intrusion and noise which would result from the proposed highway, was considered in developing overall design concepts. To minimize this impact, the peripheral circulation park road was utilized as the outer limit of intensive recreational use. Most of the active use area have been located makai of the peripheral road, and the narrow strip between the road and the proposed H-3 Highway has been retained for trails and low density recreation use. The proposed H-3 Highway right-of-way was considered a "natural" boundary for the park lands.

The modification of history that I mentioned earlier has not occurred because there is an evil conspiracy designed to misrepresent the facts. Rather it quite simply occurs because from an environmental perspective parks and flood control projects are labelled as "positive" in their impact, while highways are "bad guys" that disrupt businesses, destroy homes, and bring unwanted development to an area. The very real need to move people from one place to another, to replace travel time with hours of work, leisure, and family time seem to get lost in the controversy.

The absence of any court challenges to the park contrasted with years of litigation against the highway has allowed the park, although planned after and around H-3, to be completed first. Once in place, past planning has been forgotten and new rules are being applied with the inference that the park has been there forever and that H-3 is an upstart intrusion which threatens the integrity of the park. In actuality without the H-3 alignment, the park would be acres smaller and who knows what would be in the presently existing buffer zone.

I find it ironic that Ho'omaluhia is now being invoked as a reason not to build H-3.

MARY GEORGE
Senator

BROWN & JOHNSTON ATTORNEYS AT LAW

November 13, 1985

The Honorable Steven D. Symms
Chairman, Senate Subcommittee on Transportation
Committee on Environment and Public Works
410 Driksen Senate Office Building
Washinton, D.C. 20510

Re: Senate Bill S.1796 to Provide for the Extension of H-3

Dear Senator Symms and Honorable Committe Members:

My name is Cynthia H. H. Thielen. I formerly was staff attorney for the Planning and Zoning Committee of the City Council of the City and County of Honolulu, and I am testifying drawing upon that experience. I am one of the attorneys representing the Stop H-3 Association.

The City Council has enacted a General Plan, relevant portions of which are attached, and Development Plans which implement the General Plan. The entire Island of Oahu is part of the City & County, and all growth and development is controlled by the City & County's General Plan and Development Plans. Land is classified into Preservation, Agriculture, Commercial, Industrial, and Residential. Building permits are not issued by the City & County unless the land has the requisite land use designation.

Windward Oahu has been designated primarily as rural under the General Plan with the communities of Kailua and Kaneohe classified as urban-fringe. According to this land use scheme of the City & County, the Windward side is to remain rural, with the exisitng two urban-fringe towns restricted to modest growth. The major growth is being located on the Leeward side of the Island in the Ewa plain. This is the so-called "Secondary Urban Center". Located in the Secondary Urban Center is the deep draft harbor, the Ewa Marina and West Beach resort area which eventually will employ more people than do the sugar & pineapple industries on Oahu.

The City & County General Plan and Development Plans provide that housing will be located next to jobs. In other words, housing for people working in the Secondary Urban Center will be located in or near the Secondary Urban Center.

This translates into the following figures: In 1980 Windward Oahu had 14.3% of the total population on Oahu. In the year 2000, the City & County land use law provides for this population to drop to from 12.4% up to 13.6% of the total population on Oahu.

Now in the Ewa plain, the population will grow significantly from 4.7% of the total Island population to a percentage from 9.0 to 10.0 - an increase of 56,177 people in Ewa, the Secondary Urban Center. Ten thousand jobs are projected at Ewa Secondary Urban City. Windward Oahu will remain relatively stable in population with maximum growth of approximately 15,000 people plus or minus 5%.

You are being asked to exempt the most expensive highway yet to be built in the entire United States from the law to service an area where the City & County has mandated modest growth capping off at approximately an additional 15,000 people while the transportation needs of the fast developing Secondary Urban Center will, by necessity, be ignored.

I respectfully submit that this highway is not justified on the merits and that laws such as the 4(f) statutes, Endangered Species Act and National Historic Preservation Act should not be erroded piecemeal by exempting H-3 from all provisions of Federal law.

Respectfully submitted,

Cynthia H. H. Thielen

Cynthia H.H. Thielen

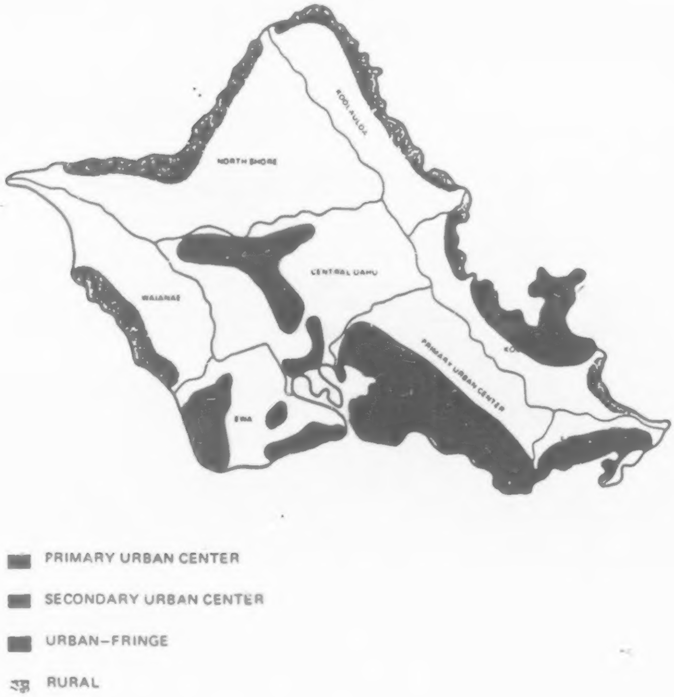
1982

General Plan

Objectives and Policies

City and County of Honolulu
Eileen R. Anderson, Mayor

Year 2000 Urbanized Areas


NORTH SHORE
KOOLAULOA
CENTRAL OAHU
WAIANAE
EWA
PRIMARY URBAN CENTER
KO
PRIMARY URBAN CENTER
SECONDARY URBAN CENTER
URBAN–FRINGE
RURAL

Physical Development and Urban Design

• • •

Objective C
To develop a secondary urban center in the West Beach-Makakilo area.

Policy 1
Allocate funds from the City and County's capital improvement program for public projects that are needed to bring about the gradual development of the West Beach-Makakilo area as a secondary urban center.

Policy 2
Encourage the development of a major residential, commercial, and employment center within the secondary urban center.

Policy 3
Encourage the continuing development of Barbers Point as a major industrial center.

Policy 4
Coordinate plans for the development of the secondary urban center with the State and Federal governments and with the sugar industry.

Policy 5
Cooperate with the State and Federal governments in the development of a deep water harbor at Barbers Point.

DISTRIBUTION OF RESIDENTIAL POPULATION

1980 AND 2000

Location	1980[a]		2000	
	Population	% of Total	% of[b] Total	Population[c]
Primary Urban Center	417,240	54.7	47.5 – 52.5	435,800-481,600
Ewa	35,523	4.7	9.0 – 10.0	82,600- 91,700
Central Oahu	101,685	13.3	12.8 – 14.2	117,400-130,300
East Honolulu	43,213	5.7	6.2 – 6.8	56,900- 62,400
Koolaupoko	109,373	14.3	12.4 – 13.6	113,800-124,800
Koolauloa	10,983	1.4	1.3 – 1.5	11,900- 13,800
North Shore	13,061	1.7	1.6 – 1.8	14,700- 16,500
Waianae	31,487	4.1	4.2 – 4.6	38,500- 42,200
Oahu Total	762,565	100.0	95.0 – 105.0	871,500-963,300

[a] 1980 Census data

[b] From Population Objective C, Policy 4

[c] Population ranges based on the percentages presented in the preceding column and DPED's Series II-F population projection for the year 2000 of 917,400 for Oahu.

GEORGE R ARIYOSHI
GOVERNOR

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
[illegible] PUNCHBOWL STREET
HONOLULU, HAWAII 96813

WAYNE J YAMASAKI
DIRECTOR

DEPUTY DIRECTORS
JONATHAN K SHIMADA, Ph D
WALTER T M HO
CHERYL D SOON
ADAM D VINCENT

IN REPLY REFER TO

STATEMENT
OF
WAYNE J. YAMASAKI
Director, Department of Transportation
State of Hawaii

before the
U. S. Senate
Subcommittee on Transportation of the Committee
on Environment and Public Works

November 6, 1985

Mr. Chairman and Members of the Committee:

On behalf of Governor Ariyoshi and myself, I wish to thank you for this singular opportunity to present information on the Interstate Route H-3 Project for your consideration. The H-3 Project enjoys the overwhelming support of the people of Hawaii, and is a project that is extremely important to the continued orderly growth of our State. In spite of this strong public support, the State of Hawaii is currently faced with a most difficult situation, which we hope Members of Congress will examine and correct. It is our belief that

Section 4(f) of the Federal Aid Highway Act was misapplied by the Ninth Circuit Court of Appeals to override an administrative decision of the U. S. Secretary of Transportation to approve the building of H-3.

To better understand the State's views on this matter, I would like to provide you with a brief background on the H-3 Project.

Hawaii's H-3 Highway, located on the Island of Oahu, is part of a 51-mile Interstate and Defense Highway System, consisting of H-1, H-2, and H-3. This system was approved by the Federal Government in August 1960. In addition to serving Oahu's growing urban needs, this highway system serves all of the major military installations located on Oahu as well as its major overseas transportation facilities such as Honolulu International Airport, Honolulu Harbor, and the new Barbers Point Deep Draft Harbor now under construction (see Figure 1).

The H-1 and H-2 legs are completed and have proven to be essential to Oahu's economy. The 15-mile-long H-3 is planned to cross the Koolau Mountain Range and when completed will provide a direct connection between the Windward Oahu communities of Kaneohe, Kailua, and the Kaneohe Marine Corps Air Station, and the large growing area on the leeward side of the Koolaus. This leeward service area of H-3 stretches from the Honolulu International Airport/Hickam Air Force

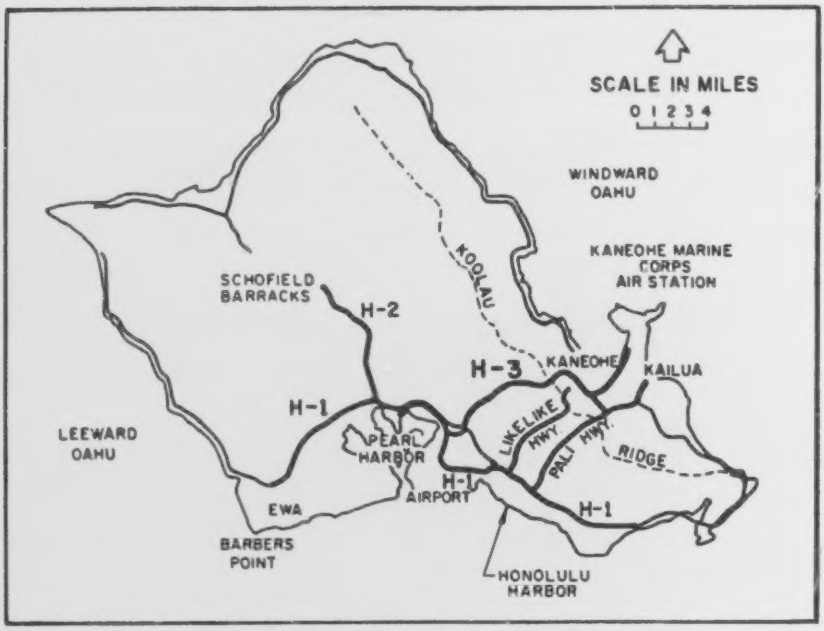

SCALE IN MILES
0 1 2 3 4
WINDWARD OAHU
KANEOHE MARINE CORPS AIR STATION
KOOLAU
SCHOFIELD BARRACKS
H-2
H-3
KANEOHE
KAILUA
H-1
LEEWARD OAHU
PEARL HARBOR
LIKELIKE HWY.
PALI HWY.
RIDGE
H-1
AIRPORT
H-1
EWA
BARBERS POINT
HONOLULU HARBOR

FIG. 1 ROUTES H-1, H-2, AND H-3

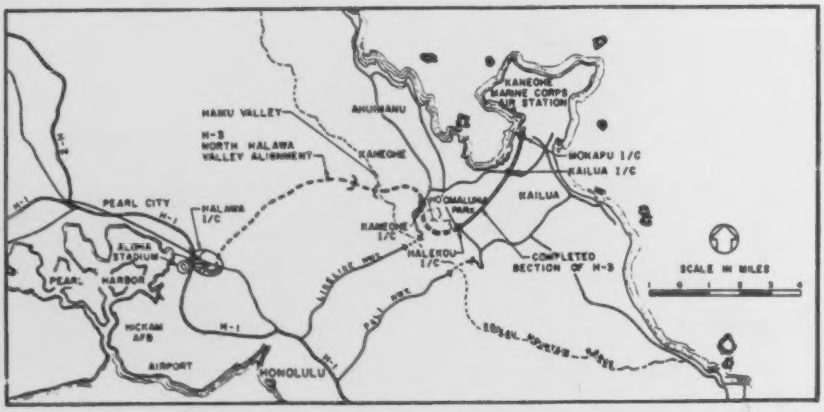

H-2
HAIKU VALLEY
AHUIMANU
KANEOHE MARINE CORPS AIR STATION
H-3 NORTH HALAWA VALLEY ALIGNMENT
KANEOHE
MOKAPU I/C
KAILUA I/C
H-1
PEARL CITY
H-1
HALAWA I/C
HOOMALUHIA PARK
KAILUA
KANEOHE I/C
ALOHA STADIUM
HALEKOU I/C
COMPLETED SECTION OF H-3
SCALE IN MILES
1 0 1 2 3 4
PEARL HARBOR
LIKELIKE HWY
PALI HWY
HICKAM AFB
H-1
KOOLAU MOUNTAIN RANGE
AIRPORT
HONOLULU
H-1

FIG. 2 — H-3 ROUTE MAP

Base/Pearl Harbor complex out to the Barbers Point industrial complex and proposed Ewa Secondary Urban Center.

Approximately four miles of H-3 at the Windward terminus to the Kaneohe Marine Corps Air Station have been completed, and a portion of this completed section of H-3 is already in service (see Figure 2). On the leeward end of H-3, all of the ramps needed to interchange H-3 traffic with H-1 traffic via the Halawa Interchange are completed. What remains to be completed is a 10.7 mile gap, which is the subject of this hearing.

The need for H-3 has been examined and re-examined over the years and the conclusion continues to be that there is a need for H-3.

There is a need to provide a modern defense highway network connecting all of the major military installations on Oahu, i.e., Kaneohe Marine Corps Air Station to Pearl Harbor, for mobilization and for movement of troops, equipment, and cargo.

In addition to our defense needs, there is the requirement to serve our present and future urban needs with a modern highway network. Over the years there has been continual growth on both sides of the Koolaus - residential growth on the windward side and commercial/industrial growth on the leeward side. This growth has resulted in more and more people needing to commute to the Honolulu side of the

Koolaus to get to work. Other types of trips that also aggravate the trans-Koolau traffic situation are school trips, shopping trips, and recreation trips.

This increase in trans-Koolau traffic has over-loaded the existing Pali and Likelike Highways. As a result, the peak period, or period of congestion, stretches out, until today it is between two to three hours long (see Figure 3.) Highway counts show that Windward residents now leave for work as early as 5:00 a.m., the time at which trans-Koolau traffic begins to build-up sharply. Without H-3, it is predicted that the peak period will be forced to expand even further.

Presently about 90,000 to 95,000 vehicles cross the Koolaus in both directions each day. By the year 2008, this daily trans-Koolau vehicular trip count is expected to reach approximately 124,000 vehicles per day, a nearly 30% increase. This increase is projected with or without H-3. In other words, H-3 itself does not generate the demand to travel. Rather, the demand to travel is a direct result of where people live and where they need to go.

Travel demand can also be considered from another viewpoint, the peak-hour problem. Since land uses of concern for Windward Oahu are mainly residential, it is projected that a large majority of the workers (69%) and students (20%) must cross the Koolaus each morning and evening.

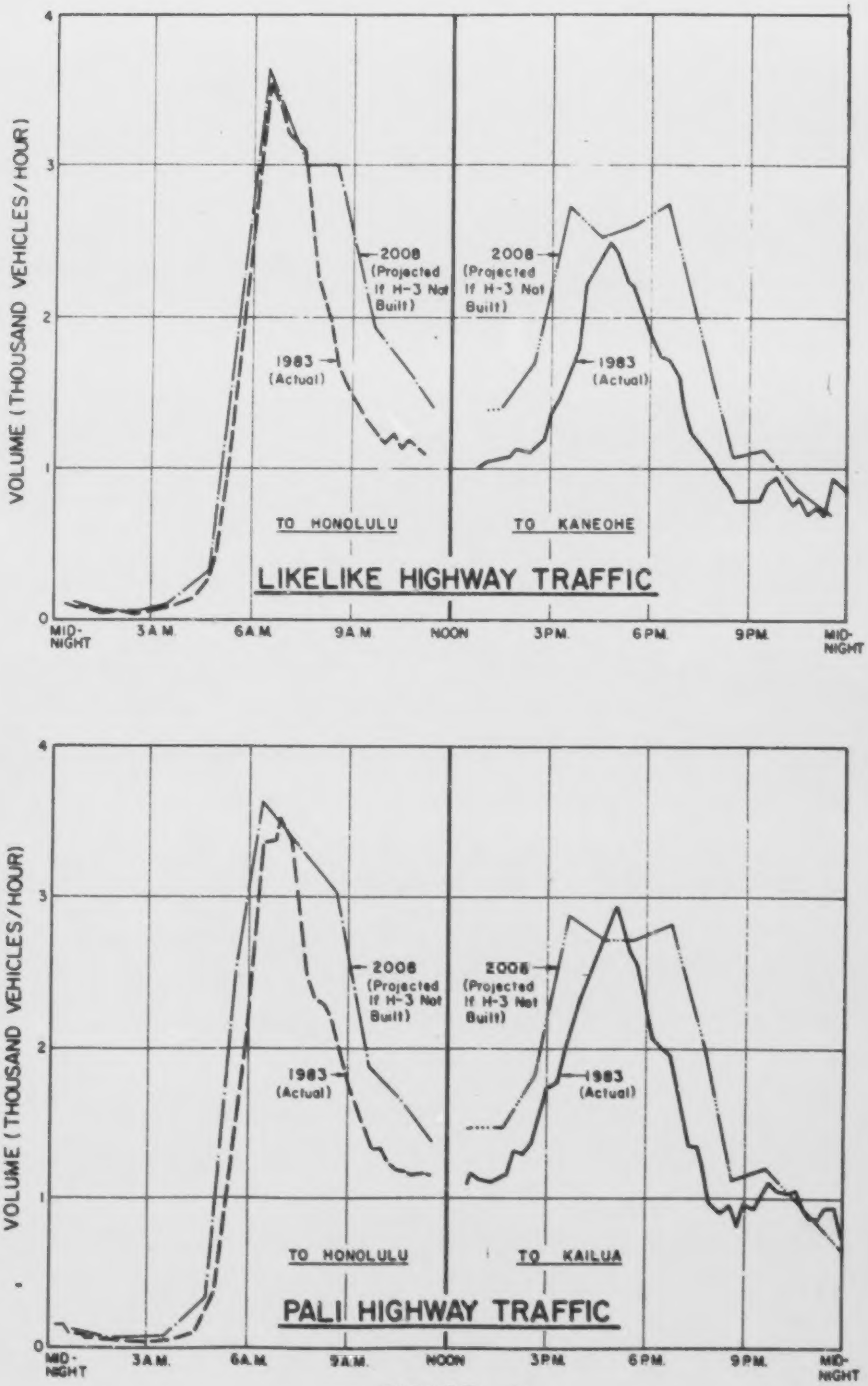

VOLUME (THOUSAND VEHICLES/HOUR)
4
3
2
1
0
2008 (Projected If H-3 Not Built)
1983 (Actual)
2008 (Projected If H-3 Not Built)
1983 (Actual)
TO HONOLULU
TO KANEOHE
LIKELIKE HIGHWAY TRAFFIC
MID-NIGHT
3 A.M.
6 A.M.
9 A.M.
NOON
3 P.M.
6 P.M.
9 P.M.
MID-NIGHT
VOLUME (THOUSAND VEHICLES/HOUR)
4
3
2
1
0
2008 (Projected If H-3 Not Built)
1983 (Actual)
2008 (Projected If H-3 Not Built)
1983 (Actual)
TO HONOLULU
TO KAILUA
PALI HIGHWAY TRAFFIC
MID-NIGHT
3 A.M.
6 A.M.
9 A.M.
NOON
3 P.M.
6 P.M.
9 P.M.
MID-NIGHT

FIGURE 3

H-3 will increase peak-hour trans-Koolau capacity by approximately 50% (from the present 7,300 vehicles per hour to 11,200 vehicles per hour), sufficient to accommodate both current and future demand.

In addition to the above, as time goes by, the projections show more and more trans-Koolau vehicles destined for the leeward area from Pearl Harbor to Barbers Point. By the year 2000, nearly one-third of the peak hour trans-Koolau trips are expected to be destined for or originating from this vast Leeward Oahu area. H-3 through North Halawa Valley is needed to serve this demand, thus allowing Pali and Likelike Highways to better serve traffic bound for Downtown Honolulu.

Both the Federal Government and City and County of Honolulu in independent reviews/studies also concluded that H-3 was the best solution and was needed. Moreover, the Federal Government tested various Windward Oahu population levels and found that the need for H-3 can be justified even at present population levels.

In addition, a 1980 City Department of General Planning study of Development Plan impacts concluded that:

> "Regardless of transit system, trans-Koolau drivers on Pali and Likelike Highways (without H-3) will encounter three or more hours of congestion in the afternoon."

The congestion in the morning peak period will force a spreading of the travel demand and the congestion over several hours. The study recommends that:

> "Based on the City's long-range planning, City policy (is) to acknowledge an H-3 alignment to allow its implementation contingent on EIS approval (and) funding availability."

With H-3 constructed, the congestion levels on all trans-Koolau routes will be reduced. Less congestion of course means safer travel and less energy consumption per vehicle due to more efficient operation.

In spite of this acknowledged need for H-3, the road to project implementation has been long and arduous. To illustrate this, let me briefly cover the last 20-year history of H-3.

For the H-3 section of the Interstate System, a corridor study was completed in 1964, and public hearings were held in 1965. It should be noted that during the 1965 corridor hearing, strong public input was received for an alignment of H-3 through a valley called Moanalua Valley.

By 1967 a detailed Planning Report for the Moanalua Alignment of H-3 was completed and in March 1968 the Federal Highway Administration or FHWA approved the Moanalua Valley alignment of H-3 between Halawa Interchange and Halekou Interchange.

Between 1968 and 1970 major events included the coordination with the U. S. Navy on collocation of H-3 and a future OMEGA navigational transmitter in Haiku Valley, the holding of a design public hearing, initiation of design, and perhaps most important, the passage of the 1969 National Environmental Policy Act or NEPA.

As a result of NEPA, a six volume EIS was prepared in 1972 followed by a three-volume Preface in 1973, which we now refer to as the original H-3 EIS. This original H-3 EIS was approved by the FHWA in March 1973.

Then in 1974,

- The Oahu General Plan and pertinent Detailed Land Use Maps (DLUM) were revised to reflect H-3 through Moanalua Valley.
- Moanalua Valley was listed as "likely to be eligible" for the National Register of Historic Sites as a site of local historical significance. This action was to become very significant to the project a few years later.
- U. S. Federal District Court Judge Samuel King, after a trial on H-3, decided in favor of the State and Federal Highway Administration (FHWA) and lifted all injunctions on the project. With this decision the design of H-3 was restarted.

Then in March 1976, the Ninth Circuit reversed Judge King on the matter of the protections to be afforded to Moanalua

Valley as a site "likely to be eligible" for the National Register. In effect, the Ninth Circuit ruled that Moanalua Valley was entitled to the protection of Section 4(f) of the U. S. DOT Act until such time as the issue of whether or not the valley is truly historic can be settled. It should be noted at this point that at the time of this decision, there were no Federal rules defining how such an issue was to be resolved. In a letter to the then Director of Transportation, E. Alvey Wright, the U. S. Secretary of the Interior stated that Moanalua Valley under rules then in effect could remain in the "likely to be eligible" status for an indefinite period.

So in 1976 work started on the preparation of a 4(f) Statement on Moanalua Valley. The 4(f) Statement on Moanalua Valley was completed in late 1976 and was submitted to the U. S. Secretary of Transportation. In early 1977 the Office of the Secretary informed FHWA that the 4(f) Statement on Moanalua Valley failed to establish that the North Halawa Valley (NHV) alignment of H-3 was not a feasible and prudent alternative. In fact, the Secretary's office went on to say that the added $110 million cost of the NHV alignment was not extraordinary.

Given this decision from the Secretary, the State Department of Transportation proceeded to reexamine all trans-Koolau alternatives including the no-build options. A series of seven trans-Koolau transportation forums were held in July-August 1977 in communities on both sides of the Koolaus. The overwhelming input received from the public was that trans-Koolau transportation definitely needed to be improved, but that any solution to upgrade the existing Likelike and Pali Highways would be unacceptable.

As a result of the input received from these trans-Koolau forums, in November 1977 the draft North Halawa Valley Supplement to the H-3 EIS (NHV-SEIS) was circulated and on December 12-15, 1977 a series of four public hearings were held. The seven volume final NHV-SEIS which supplements the original nine volume H-3 EIS, was completed and submitted to the FHWA for acceptance in December 1979. The two-year period between 1977 and 1979 was needed to complete and coordinate with the U. S. Coast Guard two separate studies on H-3/OMEGA collocation; prepare and circulate a new 4(f) Study on Hoomaluhia Park, which was ordered by Judge King in November 1978; and to await the results of a July 1979 independent Federal team's study of the upgrading of Pali and Likelike Highways as alternatives to H-3.

In December 1980 the FHWA accepted the Final NHV-SEIS and in February 1981 granted the project location and design approval.

In July 1981, an application for a permit to build H-3 through the State's Conservation District was filed with the State Board of Land and Natural Resources. A public hearing on this application was held on December 17, 1981, and in January 1982 the Board granted the permit with conditions.

Just prior to the Board of Land and Natural Resources' December 17 public hearing, a trial was held in Federal District Court before Judge King on a 49-count complaint lodged by the opponents of H-3. This trial lasted for two weeks, from October 14-29, and covered a multitude of environmental and administrative issues. Attached is a matrix (Appendix "B") showing full compliance with all applicable Federal environmental laws except 4(f).

Moving forward to 1982, besides the granting of the Conservation District Use Permit by the Board, other significant events were the filing of a lawsuit in State Circuit Court by the opponents of H-3 challenging the Land Board's decision to grant a Conservation District Use Permit to the H-3 Project. Another significant event in 1982 was Judge King's April 8, 1982 Findings of Fact and Conclusions of Law on the October 1981 H-3 trial. In his decision Judge King ordered that a second supplemental EIS be prepared for the purpose of circulating to the public the Hoomaluhia 4(f) Statement, the Haiku-OMEGA collocation studies, and the Federal Highway Administration's Staff Analysis of Pali and Likelike upgrade alternatives. As to all other environmental and administrative issues, Judge King ruled in favor of the FHWA and State. A new 2nd Supplemental EIS was prepared and circulated to the public in June 1982. Public hearings on this 2nd Supplemental EIS were held in July and the Final 2nd Supplement was accepted by the FHWA in September 1982.

Shortly thereafter construction of the H-3 re-commenced.

Then in 1983 State Circuit Court Judge James Wakatsuki voided the State Board of Land and Natural Resources' H-3 Conservation District Use Permit on procedural grounds and required that the Board hold a contested case hearing before making any decision on a permit for the H-3 Project. A contested case hearing is a quasi-judicial hearing conducted by an administrative body, the results of which can be appealed through the State Court system by any party to the contested case hearing.

A contested case hearing was held for four days in September 1983 and in November 1983 the Board once again granted the H-3 Project a Conditional Use Permit. This decision was appealed by the H-3 opponents and in September of this year the State Supreme Court upheld the Board of Land and Natural Resources' granting of the permit for the construction of H-3. With this decision, H-3 litigation in the State Court system ended.

However, H-3 is still held up because of the U. S. Ninth Circuit Court of Appeals decision of August 1984 which reimposed an injunction on the design and construction of H-3. In its decision, the Ninth Circuit decided that Section 4(f) had not been properly dealt with as it applies to Hoomaluhia Park, a park on the Windward side of the Koolaus. The Court refused to rule on the adequacy of Section 4(f) action as applied to Pali Golf Course, a municipal golf course situated adjacent to Hoomaluhia Park. The Court further suggested a realignment of H-3 at an added cost of $42 million. It should be noted that this cost is in 1979 dollars, and that the latest estimate now puts the cost increase in excess of $60 million.

As for Pali Golf Course, the land involved is in a flood plain, was overgrown and never maintained, and never was a part of the playing area of the golf course. The land was acquired by the State in the mid-1970's for the construction of the Halekou Interchange of H-3. Presently, the total area has been graded and the interchange is over 50 percent complete.

With regard to Hoomaluhia Park, the record of coordination between the planning for the H-3 Project and the Hoomaluhia Park Project is clear. In fact, the record clearly shows the intent of Federal, State, and County agencies to collocate the H-3 project, and the Hoomaluhia Park project in the same area. It should be noted that both of these projects are supported by Federal-aid.

As stated earlier, the concept of H-3 was approved by the Federal Government in August 1960 as part of a system of H-1, H-2, and H-3. In July 1961 the concept of an H-3 crossing the Koolaus and connecting to the Kaneohe Marine Corps Air Station was approved by the Federal Government. The Corridor Report for H-3 was completed in 1965, and by 1967 the H-3 Design Planning Report was completed.

During this same period (mid-1960's), separate efforts were initiated by the City and County of Honolulu on the development of a proposed flood control project and a proposed park to be situated near the eastern end of H-3. This is the section of the Island of Oahu known as Kaneohe.

This was the beginning of coordinated planning between the State's H-3 Project, and the County's Flood Control Project, and Kaneohe Greenbelt Project. This fact of early coordination is reflected in the 1967 H-3 Design Report as follows:

> "In locating the Route H-3 facility between the Kaneohe Interchange and the Halekou Interchange, three major considerations were taken into account. These considerations were:
>
> 1. The proposed Kaneohe Flood Control Project is located in the area mauka (towards the mountain) of Kamehameha Highway and makai (towards the ocean) of the Route H-3 corridor. In meetings with the concerned agencies, it was determined that the planning and the required funding for this project may not develop for a number of years. The present plan is that the flood area would extend approximately to the 200 foot contour. It was requested that the location of Route H-3 be so established as not to interfere with the proposed plan and in no way to preclude its development.

2. In meetings with the Planning Department of the City and County of Honolulu, it was learned that the concept of a 'Green Belt' design for the area between Route H-3 and the Kaneohe Flood Control site was being considered. This area would be devoted to park-recreational type facilities. This is the present thinking but no approved plan exists for this facility, and it was requested that an area be left between Route H-3 and the Kaneohe Flood Control area to permit this development.

The Park Department, in our meeting with them, requested that hiking access be made available under Route H-3. This access can be achieved physically, but the need, justification and funding has not been determined. As discussed, if this is desired it can be combined with one of the transverse stream crossings....

The alignment of all alternates studied generally left an area of approximately 1,400 feet to 1,700 feet wide between the Route H-3 right-of-way and the Kaneohe Flood Control Project for 'Green Belt' development."

What essentially happened in 1967 was that H-3 in the Kaneohe area was located to provide space for the future construction of the County's proposed flood control project as well as the Green Belt park concept (see Figure 4).

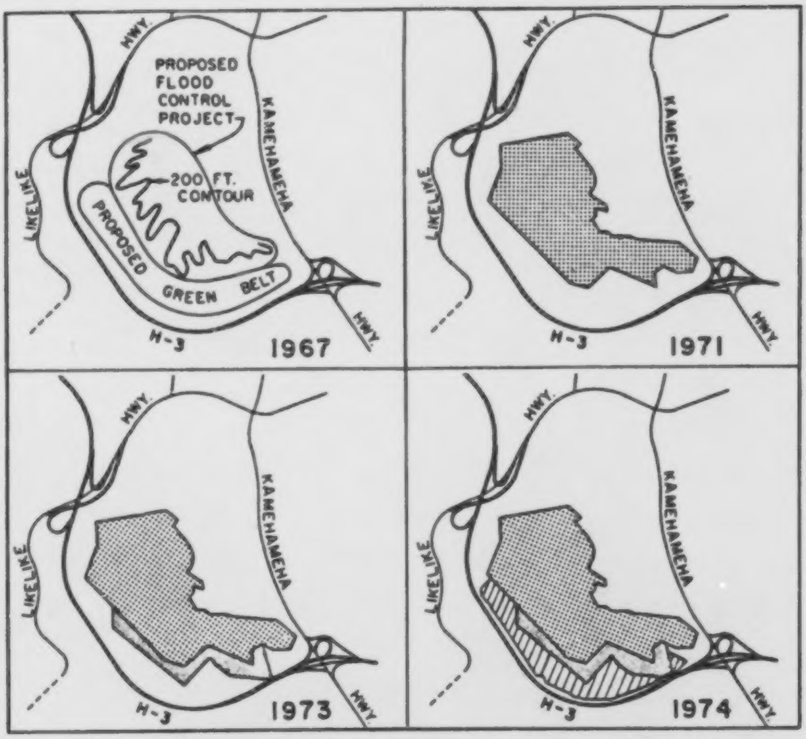

HWY.
PROPOSED FLOOD CONTROL PROJECT
200 FT. CONTOUR
KAMEHAMEHA
LIKELIKE
PROPOSED GREEN BELT
H-3
1967
HWY.
HWY.
KAMEHAMEHA
LIKELIKE
H-3
1971
HWY.
HWY.
KAMEHAMEHA
LIKELIKE
H-3
1973
HWY.
HWY.
KAMEHAMEHA
LIKELIKE
H-3
1974
HWY.

FIG. 4 — EXPANSION OF HO'OMALUHIA PARK

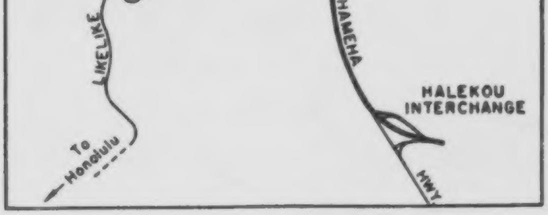

KAHEKILI HWY.
HWY.
KANEOHE INTERCHANGE
KAMEHAMEHA
LIKELIKE
To Honolulu
HALEKOU INTERCHANGE
HWY.

FIG. 5 — MAKAI ALIGNMENT ALTERNATIVE

Subsequent to 1967, coordination on the detailed design of H-3 and planning of the flood control/recreation area project continued. Then in December 1971, the 91st Congress passed the Flood Control Act of 1970 (PL 91-611), which authorized construction of the flood control project. At this point, the flood control project was designed to have an associated 75-acre recreation area and the boundaries of the flood control/recreation project were well away from the boundary of H-3.

As for H-3, by the end of 1971, final designs were being prepared, and parts of H-3 near the Kaneohe Marine Corps Air Station were already under construction. Coordination of the hydraulic design compatibility between H-3 and the flood control project as well as location of trail crossings across H-3 had also been initiated.

Then between 1971 to 1974 the area of the park was expanded twice, the final expansion resulting in a park boundary coterminous with the H-3 right-of-way. The first expansion took place in early 1973 when the park area was expanded from the original 75 acres to 115 acres. This left a 115-acre strip of land between the new park boundary and H-3 boundary still in private ownership. Since the County was concerned about any possible urbanization (residential uses) of this remaining 115 acres, it recommended that this remaining land between H-3 and the park be acquired as a buffer strip. This final expansion of the park up to the H-3 boundary was approved in 1974. Figure 4 is a pictorial representation of the expansion of the park boundaries.

On September 28, 1976, the City and County of Honolulu entered into a contract with the Corps of Engineers for the construction and maintenance of the recreational areas of the flood control project. This is the park now known as Hoomaluhia Park. It should be noted that the date of this contract was nearly seven months after the U. S. Ninth Circuit Court of Appeals had reimposed an injunction on the construction of H-3, which included that section of H-3 around Hoomaluhia Park.

The previous discussion merely touched on the broad area of coordination between the development of H-3 and Hoomaluhia Park. The actual record reflects in more detail the coordination that took place both on a planning as well as design level.

The Final Environmental Impact Statement (EIS) for the Hoomaluhia Project, dated January 26, 1973, and which was prepared by the Corps of Engineers states:

> "Project boundaries to the south and southwest have been expanded and are considered the minimum required to provide a buffer zone. These project lands are considered adequate only if the lands between the proposed project boundaries and the proposed H-3 highway will remain as conservation lands. If these lands are acquired by the local sponsors, it will be recommended

that they be maintained for nature purposes and as a buffer zone between the highway and the recreation development. Most of the land in this zone is not considered desirable for intensive recreation activities because of the rugged topography, vegetative quality, and proximity to the proposed highway. The one large area with suitable topography is planted in bananas and would require extensive replanting. Although there are several small parcels of land where topography would permit limited development, these areas are considered too close to the highway alignment with respect to a minimal buffer zone." (Note: Local sponsors means City and County of Honolulu.)

Subsequently, a March 1975 Coordinating Supplemental EIS prepared by the Corps for the Hoomaluhia Project, states:

> "The impact of the dam and reservoir project on the proposed Interstate Route H-3 project should be minimal as a result of the close coordination maintained with the State of Hawaii Department of Transportation. This coordination resulted in some modifications to both projects in the interest of attaining hydrologic-hydraulic compatibility. In addition, coordination of the recreation plans resulted in the inclusion of two structures in the H-3 plans to accommodate access trails to the recreation area. A vehicular underpass will be also included in the H-3 plans to accommodate one of the

access roads to the park. The potential impacts of simultaneous construction of the two projects will continue to be coordinated."

In Appendix "A"* the affidavits of Harvey H. B. Young of the Corps of Engineers and Yukio Taketa of the Department of Parks and Recreation of the City and County of Honolulu and a letter from Emiko Kudo, Director of Parks and Recreation, City and County of Honolulu dated September 2, 1983 are reproduced to authenticate the record regarding the coordination between H-3 and Hoomaluhia Park.

In spite of this record of coordinated planning, in November 1978, the U. S. District Court ruled that the protections of Section 4(f) applied to Hoomaluhia Park since the construction of the park commenced before construction and acquisition of right-of-way for the section of H-3 around Hoomaluhia Park. It should be noted that construction of Hoomaluhia started in 1976, and the park was opened to the public in 1982.

Further, the Court decided that the application of 4(f) was on the basis of the Ninth Circuit's "constructive use" theory since, due to prior coordination, H-3 would not require the physical taking of any park land. Constructive use in this case meant noise and visual impacts, impacts which the State and Federal Highway Administration maintained were non-existent since years of prior coordination and planned mitigation measures had taken such impacts into account.

---

*Appendix A has been retained in committee files.

However, in a showing of good faith, the State and Federal Highway Administration prepared a 4(f) Statement in compliance with the Federal District Court's decision. In addition to the preferred alternative along the boundary of the park, a no-build alternative as well as a realignment of H-3 away from the park and through a section of nearby Kaneohe Town were evaluated. This latter alternative was referred to as the Makai Alignment (see Figure 5).

Engineering studies concluded that the No-Build alternative would result in an unacceptably high level of congestion on the presently congested routes serving the area, as I mentioned earlier. The studies also determined that the Makai Alignment alternative would:

1. Not meet Interstate design standards
2. Be less safe
3. Increase the cost of the project by $42 million
4. Destroy 31 homes, 4 businesses, and 1 church
5. Negate all prior coordination to collocate H-3 and Hoomaluhia Park.

In December 1980, the U. S. Secretary of Transportation determined that both the No-Build as well as the Makai Alignment alternatives were not "prudent and feasible" for the reasons cited above. After lengthy litigation, in April 1982, the U. S. District Court concurred with the findings of the Secretary on the No-Build and Makai Alignment alternatives.

This decision of the U.S. District Court was appealed by the opponents of H-3 to the U. S. Court of Appeals for the Ninth Circuit. In August 1984, the Ninth Circuit Court reversed the District Court's decision and stopped all design and construction on the H-3 Project.

The Ninth Circuit's decision on H-3 and Hoomaluhia Park is unreasonable in view of the record of coordination between the two projects. Park planners recognized H-3 to be a natural boundary for the park and in fact expanded the boundaries of the park up to the edge of H-3 in order that the possibility of future residential or urban development along the edge of the park be prevented. Federal funds participated in the expansion of this park up to the H-3 boundary. The Ninth Circuit's suggestion that H-3 not be constructed along the outside edge of Hoomaluhia, would negate the original intent of the expansion of the park boundaries. In addition, it is clear that the design of both H-3 and Hoomaluhia Park clearly considered the other project in terms of design features to be incorporated into each project.

The Ninth Circuit's decision runs counter to the intent of good planning, which is coordination for the purpose of maximizing the benefits to be derived from expenditures of public tax dollars. In view of the years of extensive coordination between the two projects, it seems totally unreasonable for the Courts to say that the issue is not one of coordination but rather who was there first. The Court's reasoning goes on to say that since the park was constructed first, it must now be protected from the highway construction, and that either the Makai alignment alternative with its additional expenditure of $42 million, additional dislocation of people's homes and businesses, and reduced safety for drivers on a rerouted H-3 should be selected, or alternatively the H-3 Project should not be built at all.

The State firmly believes that this decision of the Ninth Circuit is surely contrary to how Congress intended to apply Section 4(f).

On May 13 of this year, the U. S. Supreme Court denied the State's petition for certiorari. With that denial, the State of Hawaii has exhausted all legal remedies on this issue and only Congress can rectify this misapplication of a Congressional Statute by the Court of Appeals. I fully recognize the extraordinary nature of our request but I submit that for this unique situation of a jointly planned Federally-aided park and a Federal-aid highway, a situation which may never occur again, Congressional help because of extenuating circumstances is needed.

The H-3 project has met with repeated judicial delays and, unless Congress acts in a broad and expeditious manner, the State of Hawaii may be forced to abandon this vitally needed project in the face of the 1986 and 1990 deadlines for Interstate transfer and construction. Without Federal entitlement under the Defense and Interstate program, the State of Hawaii cannot fund this vitally needed H-3 Project.

This concludes my testimony. However, before closing I would like to once again extend to the members of this Committee the sincere thanks of Governor Ariyoshi and the people of Hawaii for affording us this opportunity to present to you the facts surrounding the H-3 Project.

Testimony in opposition to #S 1796 by the Stop H-3 Association

Honorable Members of the Senate Committee on Environment & Public Works;

As President of the Stop H-3 Association, I would like to submit the following testimony for the record on this bill. The story of the 20 year community battle to stop this unnecessary and damaging highway project would fill a book. Originally planned in the early 1960's, the H-3, as now planned, would bisect the open space between the suburban communities of Kailua and Kaneohe, irrepairably damage the new City & County wilderness park known as Hoomaluhia (Place of Peace), and destroy two pristine valleys - North Halawa and Haiku. With major changes in the Island development plan and growth patterns, the H-3 Highway is no longer needed. In fact, its completion would stimulate uncontrolled urban sprawl and increased traffic congestion on Windward Oahu. In addition, the H-3 would use up all available Federal and State Highway monies, leaving little or nothing in the way of resources for transportation projects benefitting the great majority of Oahu commuters.

The August 21, 1984 decision of the 9th Circuit Court of Appeals, by a 3 to 0 vote, put this highway project in the same legal position it was in 9 years earlier when that court ruled that 'prudent and feasable alternatives' must be found to routing that highway through historic Moanalua Valley. Last year the Court, after reviewing the facts (and including a tour of the area), came to the same conclusion regarding the H-3's path around three sides of Hoomaluhia Park. The Hawaii State Department of Transportation appealed that decision to the full 23 judge panel of the 9th Circuit Court. They declined to reconsider the decision. The D.O.T. then appealed the decision to the United States Supreme Court, which let the decision stand on May 13, 1985.

The cumulative decision of the highest Federal Courts of this land is that the H-3, as currently planned, is not in conformity with federal law. Rather than redesigning or abandoning this unnecessary and wasteful project, the Department of Transportation has sought to exempt the H-3 from the laws in question. Clearly this is a dangerous precedent for undermining or subverting the body of environmental laws which have been built up in this country over the past 15 years. A careful reading of the 9th Circuit decision, Federal Transportation laws, and Supreme Court precedents (especially the Overton Park decision), will make it clear that the judge's ruling on the H-3 route and alternatives was not based on a loophole or technicality. It should not therefore be negated by exempting legislation. This would be contrary to due process of law.

Although the 9th Circuit decision on the H-3 route specifically concerns Hoomaluhia Park, this highway will have numerous other negative environmental and social effects. There is clear evidence of potential damage to the Koolau Mountain water (dike) system resulting from the planned tunnels. Also, the routing of the highway through the antenna system of the Coast Guard OMEGA navigation station in Haiku Valley will pose a serious potential health threat from electromagnetic radiation to both construction workers and commuters. Recently, over 30 acreas of ancient Hawaiian agricultural terraces, graves, temples, and house sites were 'discovered' directly in the proposed path of H-3. These archaeological sites have not yet evaluated in an environmental impact statement for H-3, and they would not have to be under the proposed bill #S 1796. These sites will be completely destroyed by the current H-3 route around Hoomaluhia Park. The fact is, there are both alternative routes for this highway, and alternatives to it altogether, but the State, for political or financial reasons, does not wish to consider them. Instead, their plan is simply to exempt this project from the law and do as they please. Our Association, made up of many community and environmental groups, repectfully requests that this Committee vote down and kill #S 1796. Thank you.

Richard Ziegler

Richard Ziegler, President

Charles F. Reppun, president
Hui Malama Aina 'O Koolau
c/o 47-410 Lulani St.
Kaneohe, Hawaii 96744

November 1, 1985

Dear Senators,

I am Charlie Reppun, president of a Windward Oahu community organization called Hui Malama Aina 'O Koolau. We have been fighting to stop H-3 for over 10 years. Yes, there is opposition to this highway, but even if there was none, that would not justify approval without careful critical analysis.

The State Dept. of Transportation long ago lost its ability to be objective about mass transportation problems. Despite protestations to the contrary, approval of this highway is a matter of "saving face" for Governor Ariyoshi. Maybe this is because leaders, like fathers, are traditionally supposed to "know best," and to admit error would be to show weakness which would undermine trust and authority (i.e. lose votes and power).

There are many convincing reasons not to build H-3, including but definitely not limited to the detrimental environmental effects. Any mitigation measures proposed by the State DoT have only come as a result of court action. In fact, their mitigation measures on important problems like the possible damage to island water supplies have often amounted to statements such as, "we will solve that problem when we get to it." It is because their proposals are inadequate that the courts have halted this Highway project.

It is imperative that as responsible legislators you look at and consider all the arguments against this highway, not only the very important environmental ones. Are you going to support a bad project just to "save face" for some members of the Democratic Party? Please read the enclosed materials carefully. We have testified many times over the years on this issue. All the evidence indicates that not only is there a strong possibility that H-3 will cause great environmental and socio-economic damage, but there is also plenty of evidence that shows that H-3 will not solve Oahu's serious transportation problems.

Sincerely,

Charles F. Reppun

Charles F. Reppun

NATIONAL WILDLIFE FEDERATION
1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

TESTIMONY OF
DAVID G. BURWELL,
DIRECTOR OF SPECIAL PROJECTS,
NATIONAL WILDLIFE FEDERATION,
ON BEHALF OF NWF AND THE
CONSERVATION COUNCIL FOR HAWAII

ON S.1796

BEFORE THE TRANSPORTATION SUBCOMMITTEE
SENATE COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

NOVEMBER 6, 1985

Thank you, Mr. Chairman, for the opportunity to appear today on behalf of the National Wildlife Federation and its Hawaii affiliate, the Conservation Council for Hawaii. The Federation, with over 4 million members and supporters in all 50 states, is the nation's largest conservation organization.

Interstate H-3 is a highway that should not have been proposed and should not be built. Twice, the federal court system has considered state and federal arguments for this road and twice it has said, "No. Go back and try again." Four days ago The Sunday Advertiser, one of the two major newspapers in Hawaii, recommended that H-3 be left right where it is -- in the "judicial junkheap". The courts and the papers make the same point -- if the state and federal highway agencies want to build H-3, do it the old-fashioned way: legally.

But that's not the strategy proposed in S.1796, the bill before this Committee today. S.1796, as drafted, breaks new ground in the area of legislative override of existing law. It does not simply propose overriding Section 4(f) of the Department of Transportation Act. Nor is it limited to federal environmental laws. Nor, even, to all federal highway laws. S.1796 exempts H-3 from "any ... provision of Federal law enacted heretofore or subsequently." This would make H-3 truly an "outlaw highway". Does this exempt the highway from the Davis-Bacon Act? From auditing requirements? From minimum highway design standards? From local cost-sharing requirements? This bill is so poorly drafted and overbroad it deserves rejection on this ground alone.

This drafting problem is not easily corrected. Proponents of H-3 would have this Committee believe this highway is not being built due to a "technicality" -- the application of Section 4(f) to a regional park. But S.1796 reveals a deeper problem. Blanket exemption is needed to build a highway that is fundamentally incompatible with the planning and construction requirements of our federal transportation laws and regulations.

This is the basic point we want to make to this Committee. Section 4(f) and other environmental laws are process-oriented:

they are "close look" statutes. They inform decision-making by requiring close analysis of projects with significant environmental impacts. H-3 cannot withstand such analysis. S.1796 says, in effect, "If you can't lick the process, don't join it -- junk it."

The Federation cannot support the junking of our highway planning laws. The close analysis required by Section 4(f) reveals problems with this highway far more pervasive than the significant effects on Ho'omaluhia Regional Park. These include:

1. It will bisect the presently roadless North Halawa and Haiku valleys.
2. It is incompatible with city and county land use plans.
3. It will destroy significant archeological resources, particularly some ancient agricultural terraces, graves, temples, and houses discovered in the proposed path of the highway.
4. It will drill two mile-long tunnels through an ancient volcano, Ko'olau Mountain, causing problems with the water table.
5. It will destroy several hundred acres of open space and encourage urban sprawl.
6. According to a DOT study, it will cause rural windward communities from Kahalu'u to Kahuku to grow at twice the existing rate.

These problems are not insignificant: they penetrate to the core of the justification of this highway project. And for what purpose? DOT's own studies demonstrate that existing and reasonably foreseeable traffic demand can be serviced through three minor improvements: (1) banning truck traffic during the rush hour, (2) adding lanes to the two existing trans-island highways, and (3) implementing a reversible lane policy such as the one in existence here in Washington, D.C. The rest of the $770 million federal share of H-3 could then be transferred to needed highway and transit improvements that support existing land use patterns.

Most of the needed segments of the interstate system are built. H-3 is not one of them. This Committee should send a message to state transportation officials in Hawaii that our federal highway statutes were written for a purpose and will remain on the books. If H-3 can be built within the limitations of those laws, fine. If it can't, then the state needs a better alternative. That's the old-fashioned way -- and the legal way -- to proceed.

National Audubon Society
NATIONAL CAPITAL OFFICE
645 PENNSYLVANIA AVENUE, S.E., WASHINGTON, D.C. 20003 (202) 547-9009

STATEMENT OF

NATIONAL AUDUBON SOCIETY

ON THE

S. 1796/ COMPLETION OF INTERSTATE ROUTE H-3

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION

OF THE

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

PRESENTED BY

WHITNEY C. TILT

NOVEMBER 6, 1985

TESTIMONY BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON TRANSPORTATION
WEDNESDAY, NOVEMBER 6, 1985

Mr. Chairman, distinguished members of the Senate Environment and Publi Works Committee, Subcommittee on Transportation, I am Whitney Tilt of the National Audubon Society. I appear today on behalf of Audubon to urge the Transportation Subcommittee to review carefully the provisions of S. 1796, to consider the following comments in evaluating this legislation's impact the Ho'omaluhia Park specifically, and the windward portion of the Island of Oahu in general. Audubon is a nationwide conservation organization of over one-half million members including the Hawaii Audubon Society which has over 1,400 members. High among Audubon's priorities are protection of wildlife an wildlife habitat together with the preservation of open space for recreation and other human uses vital to our quality of living.

Audubon's comments on S. 1796 will be brief. There are numerous other witnesses who will tell the Committee about the long history and potentially environmentally devastating impacts of the proposed construction of Highway H-3 which will abut Oahu's only major interior park, and will traverse the spectacular North Halawa Valley with unknown impacts to the adjacent environment. We ask this Subcommittee to recognize also that the potential precedent of this bill goes far beyond the confines of constructing a single road adjacent to Ho'omaluhia Park on the Island of Oahu in that it would exempt the project from all present and future (!) environmental laws. For this reason alone Audubon opposes S. 1796, the legislation that would authorize this project.

Before we give our substantive comments we would like to bring to the Committee's attention that the actual language of S. 1796 was not available t

Audubon as of the writing of this testimony, and we only learned of this hearing last weekend. Even more important, insufficent notice was given to the affected residents of Oahu. As a result, they must rely upon representation of their interests by a congressional delegation that seems intent upon completing H-3 regardless of its socioeconomic and environmental impacts.

The matter of the routing of Interstate route H-3 has been determined by court of law. That decision on the merits should not be overturned by this Committee. The U.S. Court of Appeals, Ninth Circuit recently held that the routing of H-3 was a "constructive use" of a public park and, therefore, Section 4(f) of the Department of Transportation Act (DOTA) (49 U.S.C. §1653 applies. As this Committee is well aware, Section 4(f) prevents the Secreta of Transportation from approving any project that requires the use of public park land unless there is "no feasible and prudent alternative." Its duty clearly defined by legal interpretation (Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1972)) and congressional mandate, the Ninth Circuit fou federal and state highway agencies had failed to consider alternatives adequately. The Court remanded the case to the District Court and construction of the highway was enjoined until such time as the Secretary of Transportation can demonstrate compliance with §4(f). Rather than comply wi the court's ruling, federal and state transportation agencies have elected t seek a "legislative fix" that, in the words of one Honolulu editorial, is an admission from the state that they had lost the legal battle and can not "co up with the better justification for H-3 required by the courts" (Sun Advertiser, November 3, 1985).

S. 1796 states "notwithstanding any other provision of Federal law enacted heretofore or subsequently..." 10.7 miles of H-3 is to be completed. Audubon opposes any unwarranted exemption from existing federal laws -- our dismay grows when the exemption extends to laws that have not yet even been enacted. Not only does such an exemption create dangerous legislative precedent, but the particular application of the exemption to this situation assumes perfect knowledge of existing and future ecological and socioeconomic conditions, and further assumes that federal and state transportation officials are qualified to make these decisions on behalf of the Hawaiian people, endangered species, and other resources at stake.

A review of H-3's record does not bear out such confidence. For example, how do proponents of H-3 reconcile the project's huge cost (a minimum of $386 million in 1979 dollars) against its limited benefits of alleviating its rush hour congestion on feeder routes and exit ramps? In addition, why is H-3 addressing increased vechicular capacity in the opposite direction from that area designated in the Honolulu Master Plan as the target area for development, i.e., Ewa Beach area? Currently two roads traverse the mountainous plateau between the windward and leeward side of Oahu. Does the rural windward region need a third corridor cut through the North Halawa Valley to serve its limited growth projections, or would the improvement of one or both of the existing corridors serve the same purpose while reducing environmental damage and saving millions of dollars of highway funds that could be used elsewhere on the island? (This project looks like Hawaii's version of the late Westway project in New York.)

One of the laws from which this project would be exempt is the Endangered Species Act (ESA). An exemption from the ESA is unwarranted because there is an administrative procedure in the law which authorizes the granting of specific exemptions where circumstances warrant. Therefore, there is no need to legislate a further exemption from that law for this project. Second, while the Ninth Circuit Court found that Federal Highway Administration's (FHWA) decision to rely on the U.S. Fish and Wildlife Service's (FWS) biological opinion that the highway's effect on the Oahu creeper (*Paroreomyza maculata*) would not constitute a violation of §7 of the ESA, it is clear that the Service's "no jeopardy" opinion was based on "weak" available information (*Stop H-3 Association v. Dole*, 21 ERC 1657 (1984)). Given the expressed lack of good biological data and the unique and fragile nature of Oahu's wildlife and scenic habitats, is the FHWA and this Committee willing to state for the record that all present and furture impacts from H-3 have been considered and. therefore, all protective provisions of federal law should be exempted? Before you answer this question, may we remind you that these same natural resources form the basis for the island's important tourist trade. In addition, Hawaii stands more to lose than other mainland areas from careless development since, as a result of being an island, plants and animals have developed in isolation that are found nowhere else in the world. The fragile nature of these island ecosystems is illustrated by the fact that there are currently some 30 bird species, 12 plants, and more than a dozen invertebrates listed under the ESA, with numerous candidate species proposed for listing..

In the 1970's, opponents to the Tellico Dam failed to defeat the dam on economic grounds and its countless socio-economic impacts, so residents were forced to fight this project under the ESA with a three-inch fish, the snail darter. On refusing to grant Telico an exemption from the ESA in 1978, Chairman of the Endangered Species Committee (the so-called "God Committee"), Cecil Andrus is quoted as saying, "I hate to see the snail darter get the credit for stopping a project that was ill-concieved and uneconomic in the first place." (Z. Platter, 1982, Reflected in a River, Tenn. L. Rev., 49(4): 779) More recently, New York City's "Westway" would have cost billions whil doing nothing for the city's aging and inadequate public transit system, yet the battle against Westway was waged over use of area by juvenile striped bass and the adequancy of the Corps of Engineer's EIS.

Today, we are again struck with a public works project's lack of utility, both in terms of cost/benefit and potential impacts to the environment. As with the case of the Tellico Dam and Westway, instead of assessing the benefits and utility of the project itself, we find ourselves evaluating impacts to state parks and endangered species. It continues to amaze us how these public works projects, "pork-barrels" in the jargon of the times, take on a life of their own, refusing to die even in the face of overwhelming evidence of their uselessness and lack of economic benefit-- this with the economy staggering under a $200 billion annual deficit.

Congress directed agencies to comply with Section 7 consultations before "making an irreversible or irretrievable commitment of resources which would foreclose the consideration of modifications or alternatives" (16 U.S.C. §1536(d)(Supp. III 1979). In a sense §4(f) of DOTA seeks to offer the same protection for park lands that the Endangered Species Act extends to listed species. These two provisions should be applied to this project. More specifically, two alternatives are currently recognized to the proposed routing of H-3 along Ho'omaluhia Park border. Concerning FHWA's failure to consider the "Makai realignment" and the "No build" alternatives, the Ninth Circuit found

> The record before us simply does not demonstrate that the stringent requirements of section 4(f), as defined in Overton Park and its progeny, have been satisfied. Until those requirements are satisfied, we cannot allow our Nation's sacred parklands to be taken or used. (21 ERC 1655)

Clearly the proposed alignment of H-3 triggers the non-descretionary provision of §4(f). Should S. 1796 open the door to exempting the protective provisions of DOTA's Section 4(f), how is this Subcommittee or any other congressional body going to determine which other projects should be exempt and which should not? Moving from national interest concerns to more regional concerns, the consideration of alternatives to the project is also justified since the Island of Oahu could better spend those highway funds on projects that will help relieve existing congestion, and provide for future corridors to areas slated for major development that are currently in need of highway improvement.

Finally, the refusal of this Committee to consider this bill would preserve the unique North Halawa Valley, saving Oahu's single most important interior park for recreational use by the residents of Oahu, and constitute another step toward the wise use and conservation of the Hawaiian Islands whose economic well-being depends on those very same natural resources and tourism that S. 1796 would so callously destroy.

Thank you for this opportunity to appear beofre you today. Both the National Audubon Society and our state chapter, Hawaii Audubon, stand ready to assist this subcommittee in any way we can.

KAILUA
Chamber of Commerce

TESTIMONY OF
C. MIKE KIDO
PRESIDENT
KAILUA CHAMBER OF COMMERCE
BEFORE THE SENATE SUBCOMMITTEE ON TRANSPORTATION
OF THE
ENVIRONMENT AND PUBLIC WORKS COMMITTEE

NOVEMBER 6, 1985

Senator Symms and Distinguished Members of the United States Senate Subcommittee on Transportation

Thank you for the opportunity to comment on the urgent need for Legislative relief regarding Hawaii's H-3 project. My name is C. Mike Kido, President of the Kailua Chamber of Commerce. The Kailua Chamber of Commerce has traditionally taken a community-wide approach to problems and events affecting our community.

Since its inception 29 years ago, the Kailua Chamber has studied and debated solutions to the growing needs of our windward community. Transportation is one of Kailua's biggest problems and thus we heartily endorse building H-3. It will be good for Kailua residents and it will be good for Kailua business.

Kaneohe Marine Corp Air Station is located in the Aikahi area of Kailua. Kailua Chamber is proud to be the home of KMAS and we maintain a close relationship with the military and civilian personnel at KMAS. KMAS is the end point of H-3 highway and the one section of highway that is in use runs between the air station and Kaneohe Bay Drive. H-3 is the only real access to the base.

H-3 was meant to connect KMAS not just to Kaneohe but to the other major military bases on the other side of Oahu, namely Pearl Harbor, Schofield Barracks, Barbers Point Naval Air Station, Hickam Air Force Base and Wheeler Air Force Base. Given Hawaii's strategic position in the Pacific military mobility and access are essential. H-3 is part of the road system that would permit rapid mobilization for national emergency.

H-3 is important to KMAS for defense purposes and it is important to Kailua residents and businesses who would use the highway on a day to day basis. We are all frustrated by the repeated delays, the rising costs and the failure to relieve our intolerable traffic conditions. The Leeward side has H-1 and H-2, but we are still waiting for H-3. We need it now. We ask for your help.

We would respectfully petition your favorable consideration of our State Department of Transportation requirements for reasonable legislative relief so that our community will not be unduly saddled with a significant and intolerable transportation dilemma.

The Chamber of Commerce of Hawaii

STATEMENT
ON
H-3 INTERSTATE HIGHWAY PROJECT
BEFORE
UNITED STATES SENATE SUBCOMMITTEE ON TRANSPORTATION
BY
ROBERT B. ROBINSON

Chairman Symms and Members of the Subcommittee:

I am Robert B. Robinson, president of the Chamber of Commerce of Hawaii, an organization representing over 4,000 members of Hawaii's business community. I am speaking in support of the H-3 Interstate Freeway Project for the State of Hawaii.

Every workday morning, most of the approximately 125,000 residents of the windward side of the island of Oahu wake up to the problem of driving across the Koolau mountains to their jobs.

Their vehicles begin to pour onto the only two possible routes to urban Honolulu at 5 a.m. -- every year they start the trip earlier in an attempt to avoid the bumper-to-bumper traffic which now remains at peak level for two to three hours.

Commuters endure from forty five minutes to 1 and 1/2 hours of stop-and-go struggle through a seemingly endless crush of traffic. A frustrated, irritable workforce is the inevitable result.

Since the early 1960s, when it became obvious that an alternative route would be absolutely necessary, H-3 has become one of the most studied projects in Hawaiian history. Exhaustive research has been done on every environmental concern, such as possible impact of the new highway on birdlife, air quality, noise levels, archaeological remains, stream flow, water purity, and tree snails and other endangered species.

The project has been subjected over the years to every possible scrutiny. Alternatives have been thoroughly examined and rejected because of design or construction factors or because they just wouldn't accomplish the desired results. The Chamber, through its Land Transportation Committee, has either participated in or monitored the profusion of research on H-3 and has continuously supported the project since 1974.

Our concerns as the voice of the business community extend beyond a simple desire for efficient movement of citizens to and from their jobs. Business people provide and consume goods and services. As our economic growth shifts westward on the island, away from Honolulu, warehousing and industrial activity are moving farther away from access to the windward side. More than 50 percent of the containerized freight and nearly 90 percent of bulk cargo landing in Honolulu Harbor is delivered to distribution points in this burgeoning commercial area, and H-3 is aligned to provide direct, efficient truck transportation of goods to keep consumer costs reasonable.

We are also vitally interested in the economic rejuvenation resulting from a project that would put 2,500 residents to work, adding $540 million to household income and generating $90 million in state taxes over a ten-year period.

Polls and surveys have invariably shown Hawaii's citizens in favor of H-3. It is tragic that a few activists have been successful in delaying construction of the final ten miles of an essential transportation corridor. We earnestly request your assistance in putting H-3 back on the road to completion.

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

1065 AHUA STREET • HONOLULU, HAWAII 96819-4493 • TELEPHONE 833-1681

Testimony by Stanely Osada
President, Hawaii Chapter of AGC
before the Transportation Subcommittee of the
Public Works and Environment Committee of the
United States Senate,
Senator Symms, Chairman.
November 6, 1985

My name is Stanley Osada and I am President of the Hawaii Chapter of the Associated General Contractors. I would like to thank the distinguished Chairman and members of the Subcommittee for allowing me this opportunity to present the Chapter's position on H-3. The Hawaii Chapter of the AGC represents 135 general contractors, 262 specialty contractors, 113 material and equipment dealers and 46 affiliated companies such as banks, insurance and bonding companies. I have attached to my prepared statement a list of our membership and ask that it be inserted into the record.

The Hawaii Chapter of AGC has supported the construction of H-3 for many years. In fact, our members have completed 4 miles of H-3 on the Windward side from the Pali Golf Course to the Kaneohe Marine Corps Air Station and we have completed all ramps connecting H-3 at the Halawa Interchange on the other end. Unfortunately, our members had the unenviable task of laying off their employees in the middle of a job to respond to a court order to suspend the project. Our members are ready to go back to work at any time to complete this project.

A Full-Service Chapter of the
Associated General Contractors of America, Inc.

The most important reasons to complete the project are: First, it is desperately needed and second, we see it as an opportunity to provide needed jobs and work for our members.

The traffic congestion on the existing highways across the Koolaus is already untenable. We have examples of people having to leave home at four or five o'clock in the morning to avoid the traffic on the way to work for their 8:00 a.m. start. Traffic continues to build on these highways and will get worse during the ten years it will take us to complete the construction. The only workable solution we see is to build H-3.

In building H-3 we are going to provide many jobs for the employees in our depressed construction industry. A few years ago the construction industry in Hawaii was comprised of 27,000 people; now it is less than 16,000. This depressed industry not only suffers from lack of work but we have had crippling strikes in the past two years. As a result of our successful strike settlements, we now have an industry with its problems behind us, ready to go to work.

Testimony by Stanley Osada
November 6, 1985
Page Three

We believe that construction of H-3 will represent 2,500 jobs for approximately a 10-year period. These are primary construction jobs and do not include the secondary jobs which our State Government computes to be 2-1/2 to 3 times as many or 7,500 jobs. The total 10,000 jobs is a very important number for our small state. Hawaii is small in population and in physical size, and also we have limited opportunities for building an economic base. Now, so much of our economy is concentrated in the tourist industry and every hiccup in that industry has a major effect on us. The construction of H-3 will have a meaningful positive impact on our economy.

Being a small and isolated state, it is especially important that we start promptly on this project. We do not have unlimited resources. Already this project has been delayed more than twelve years. To meet the congressional mandate to obligate all defense highway funds by 1990 many of our resources such as equipment and material supplies will have to work to capacity even if we started construction tommorrow. If we are forced to delay construction much longer, the reasonable capacity of our industry will be exceeded, and we will have to seek assistance from outside the state, which will prove to be very expensive and not in the best interests of the people of our state.

We don't want to be in the situation of building this project on a crash basis. Every day earlier that you permit us to start work on this project will represent a savings to the taxpayers.

Gentlemen, I represent a construction industry that has had to suffer emotionally and economically each time the handful of people that opposes this project dream up a new way to delay its construction. This exercise has been going on for twelve years. We request that you permit us to get on with what we do best, that is, making Hawaii a better place for all its citizens to live in. Please give your approval to this action which will permit construction of H-3.

***

Dillingham
Construction

Testimony by Paul Banks, President
Dillingham Construction Pacific Ltd.
before the
Transportation Subcommittee of the Public Works
and Environment Committee
of the United States Senate,
Senator Symms, Chairman.
November 6, 1985

Gentlemen, I am Paul Banks and I am President of Dillingham Construction Pacific, Ltd., one of the many construction companies in Hawaii who are ready to complete the construction of H-3 Freeway.

Our predecessor companies have been active in construction in Hawaii for 83 years. We have participated in the growth of Hawaii and have built much of the infrastructure that make Hawaii a desirable place to live in today. We started out by dredging a channel to open Pearl Harbor in 1902 and have supported the Federal, State and City governments ever since.

For over 10 years my company has been bidding and working on the stop-and-start H-3 project. We have built some of the already completed portions of H-3. We have built some of the highway at the Kaneohe Marine Corps Air Station end of the project. We have built some bridges and roadways in that area. We have built some of the ramps on the Halawa end of the project. We have performed over $20 million of work on this highway. We currently are stopped in the middle of building the interchange where H-3 crosses Kamehameha Highway. We were low bidder but have not yet been awarded a contract for the access road to the tunnel portals in Halawa Valley.

We have seen first hand, the chaos and unneccessary cost incurred each time the opponents find a new legal wrinkle to delay this project. Each time work is stopped, there is personal hardship when we have to terminate employees; there is additional cost while we have equipment standing by waiting for instruction; and there is deterioration of uncompleted projects.

On the last project we had stopped, the Halekou Interchange Project, we had over $50,000 of standby cost for equipment while waiting for direction. We had an unsafe situation with an uncompleted stream culvert that threatened homes in the area and the highway was in a substandard temporary detour situation for over one year. In addition, every time the project is postponed the costs escalate. Already the cost of the highway has gone from $400 million to over $700 million, while we go through the discussion process of whether to complete the highway or not. We are now here before the United States Congress seeking definitive direction on this question. My company believes it is in the interests of the people of Hawaii to build this project and in the interests of the taxpayers to build this highway promptly.

Dillingham Construction Pacific, Ltd.
P O Box 4088 Honolulu, Hawaii 96813 Telephone (808) 735 3211 Cable BARDREDGE Telex ITT (743) 1897

Testimony by Paul Banks
November 6, 1985
Page Two

Also, I would like to offer my personal perspective as a concerned life-time resident of Hawaii and as a 30 -year resident of Kailua and Kaneohe, communities to be served by H-3.

Over the past 40 years, we have had considerable growth in Hawaii but fortunately this growth has followed a logical path. Oahu is an island that accommodates almost one million people in a life style of which we can be proud. We have a beautiful environment unmatched anywhere, and with the amenities of a modern city. We have achieved this successful growth because we have a comprehensive planning and zoning process to fairly distribute the growth throughout our island. As a community, we have planned and executed infrastructure projects to match that growth. And this growth will continue ... and we want it to continue ... I want my children, their families, and their friends to be able to make their homes in Hawaii.

Now we have a situation where the growth and the infrastructure are out of balance. The highways joining Kailua-Kaneohe to Honolulu cannot cope with the present traffic and certainly cannot cope with the expanded traffic that will come under the City and State plans.

There are two solutions. We can build an additional highway; that highway has been determined to be H-3. That is a solution positively desired by three fourths of Oahu residents. The other approach, advocated by a small minority, is to stop the growth and send our young people somewhere else.

I'm sure that every local legislator has had to cope with a group saying: "Not in my backyard. Send the growth somewhere else." Hawaii is no different in this regard.

Unfortunately, in this case the group has cleverly used the environmental laws to stop the freeway for more than a decade. Hawaii respects, and we believe has complied with, the environmental laws passed by Congress. These laws have required us to do 18 volumes of environmental impact statements. Studies have been conducted of contentious issues such as electromagnetic radiation, ground water, endangered species, and many others. We know what the impacts of the highway will be. These impacts have been reviewed, challenged and re-reviewed by all the appropriate agencies, by the Federal District Court and by the 9th Circuit Court of Appeals and found to be acceptable except for one minor point: The Ninth Circuit Court of Appeals' claim that the H-3 Freeway makes use of Ho'omaluhia Park.

There are many ironies in this position. Ho'omaluhia Park only exists in its present form because of H-3. The use that H-3 makes of Ho'omaluhia Park is only a "constructive use;" i.e. the highway does not take 1 square inch from the park but the noise from the highway is claimed to detract from the park.

I cannot believe when Congress wrote the important environmental laws they meant such a strict interpretation of the 4f provision. Imagine the chaos throughout the country if it was not possible to build any highway if noise from the highway penetrated the park. I believe Congress meant for a more reasonable interpretation ... and every Circuit Court except the Ninth Circuit Court believes Congress meant for a more reasonable interpretation.

We need environmental laws to protect parks, historic sites and our environment, but we need reasonable laws. In the case of H-3, I think these laws are being manipulated and misconstrued and are just being used as a tool to stop the project. In the situation before you today, I am asking that we strengthen those laws by having Congress demonstrate that they intended these laws to be reasonable and for the benefit of all the people. Please let us build H-3, a project that has passed all reasonable tests and a project, I believe, fulfills the intent of Congress.

Please give clear decisive direction so that we can proceed without further knit-picking legalistic delays.

***

Citizens for H-3

A Committee
P.O. Box 1866
Kailua, Hawaii 96734

Phone 533-1198

TESTIMONY
JACK RICHARDSON
CHAIRMAN
CITIZENS FOR H-3
STATE OF HAWAII
BEFORE THE SENATE SUBCOMMITTEE ON TRANSPORTATION
OF THE
ENVIRONMENT AND PUBLIC WORKS COMMITTEE

NOVEMBER 6, 1985

Mister Chairman and members of the Subcommittee, my name is Jack Richardson. I am a resident of Windward Oahu and the Chairman of the "Citizens for H-3". The "Citizens for H-3" was established to counteract the minority that, through the courts imposed their will on the citizens of Hawaii.

The creation of the "Citizens for H-3" was kind of a grass roots thing. The first meeting of that group at my house found a divergent group of folks getting together to combat the negativeness of the "Stop H-3" minority. There was, in addition to myself, a Windward small businessman, an ex-legislator, a female secretary, a retired serviceman, a Windward attorney, and others. The things that we had in common were the realization that the overwhelming majority of people on Oahu want H-3 and their position should be articulated. There are over 100 individuals and community organizations that belong to "Citizens for H-3".

Steering Committee
Jack Richardson
Chairman
Reb Bellinger
Vice Chairman
Virginia Ferris
Stan Kanetake
Bud Pinkosh
Craig Mayeda
Evans Yim

Citizens for H-3
A Committee
P.O. Box 1866
Kailua, Hawaii 96734
Phone 533-1198

To summarize the situation, there are over 125,000 people on the windward side of Oahu. The majority of those people work on the Honolulu side of the island. That means that literally thousands of windward residents are jammed onto the present two trans-Koolau highways. A third trans-Koolau highway would greatly alleviate that traffic situation and, more importantly, add to the quality of life of those who are presently spending up to two hours daily commuting the 24 or so miles to work and back.

I have included in my testimony the traffic counts for the last 35 years. In 1953, some 12,000 persons crossed old Pali road daily. By 1958, 18,800 were crossing daily, a 50% increase.

In 1959 the new Pali road opened and in 1961 the Likelike road opened. By then, traffic had more than doubled, to 45,000 per day. There have been steady increases since 1961. In 20 years, by 1982, traffic has doubled again with over 88,000 daily trips. Today, in 1985, the latest counts are up to almost 97,000 trips each and everyday.

You can understand why the citizens of Kaneohe and Kailua are crying out for relief. As our bumper stickers say, "We All Need H-3".

Steering Committee
Jack Richardson
Chairman
Reb Bellinger
Vice Chairman
Virginia Ferris
Stan Kanetake
Bud Pinkosh
Craig Mayeda
Evans Yim

Citizens for H-3

A Committee
P.O. Box 1866
Kailua, Hawaii 96734

Phone 533-1198

"Citizens for H-3" holds informational meetings throughout Kailua and Kaneohe to inform people about the planning and design of the project. "Citizens for H-3" operates a speakers bureau to help deal with some of the misunderstandings. "Citizens for H-3" distributes brochures, bumper stickers and pamphlets.

In our meetings and as we meet with people in the community, we find them frequently asking these questions:

- How can a small vocal group repeatedly thwart the wishes of the majority of Kailua residents by delaying the highway?
- What is the cost of all these delays?
- Scenery can be enjoyed from more than one vantage, not just from within a park. Pali and Likelike Highways already provide a scenic route enjoyed by all. The H-3 ride to Kailua will open up new views through North Halawa Valley, Haiku Valley and the entire windward panorama.
- How can a court so far away over-rule the local court and prefer a route that replaces homes and stores with a monstrous double deck road instead of a smooth surface road along a landscaped park?

Steering Committee
Jack Richardson
Chairman
Reb Bellinger
Vice Chairman
Virginia Ferris
Stan Kanetake
Bud Pinkosh
Craig Mayeda
Evans Yim

Citizens for H-3
A Committee
P.O. Box 1866
Kailua, Hawaii 96734
Phone 533-1198

. Who says there will be harm to the environment? Similar highways routed through the same mountains, Likelike and Pali, have been here for 30 years and had no adverse environmental impact.

. Why can't we have both the park and the highway? They will not harm each other. Roads run much closer to parks throughout the island. The noise or fumes are not a problem for them.

. Cannot someone step in to help? Hasn't 20 years been long enough to wait for traffic relief?

It is hard to answer these questions because we feel the same way. There is a frustration with the delays and a growing disrespect for a court system which has been manipulated on technicalities and procedural points. "Citizens for H-3" and residents of the communities where we live look to Congress for your help. Please help restore some reasonableness and balance to the process. Restore our faith and grant us some relief.

Steering Committee
Jack Richardson
Chairman
Reb Bellinger
Vice Chairman
Virginia Ferris
Stan Kanetake
Bud Pinkosh
Craig Mayeda
Evans Yim

24-HOUR TRAFFIC COUNTS

YEAR	PALI	LIKELIKE	TRANS-KOOLAU
1953	12,940		
1954	11,963		
1955	---		
1956	---		
1957	16,864		
1958	18,812		
1959	22,686*		
1960	22,767		
1961	20,621	24,363**	44,984
1962	20,371	18,598	38,969
1963	22,785	15,164	37,949
1964	26,603	17,318	43,921
1965	27,316	19,061	46,377
1966	31,172	23,552	54,724
1967	30,654	23,315	53,969
1968	30,520	25,321	55,841
1969	35,899	26,623	62,522
1970	38,539	33,025	71,564
1971	37,211	34,595	71,806
1972	41,741	37,161	78,902
1973	40,124	39,566	79,690
1974	38,137	33,199	71,336
1975	39,463	37,489	76,952
1976	42,012	38,489	80,501
1977	44,974	42,057	87,031
1978	44,399	41,776	86,175
1979	44,082	43,804	87,886
1980	43,397	41,264	84,661
1981	43,164	40,792	83,956
1982	43,722	45,057	88,779
1983	46,570	45,580	92,150
Jan. 1984	47,817	45,719	93,356
1985	48,527	48,251	96,778

*New Pali Highway opened.
**Likelike Highway opened.

Citizens for H-3

A Committee
P.O. Box 1866
Kailua, Hawaii 96734

Phone 533-1198

TESTIMONY OF
REB BELLINGER
VICE CHAIRMAN
CITIZENS FOR H-3
STATE OF HAWAII
BEFORE THE SENATE SUBCOMMITTEE ON TRANSPORTATION
OF THE
ENVIRONMENT AND PUBLIC WORKS COMMITTEE

NOVEMBER 6, 1985

Mr. Chairman and members of the Subcommitee, my name is Reb Bellinger. I am the Vice Chairman for the "Citizens for H-3" and I appreciate the opportunity to appear before you and to urge your support in reviewing and overturning the Ninth Circuit Court of Appeals' decision on the application of Section 4(f) of the Department of Transportation Act to the H-3 project which has stopped all construction on the highway.

My testimony is designed to bring to your attention additional information which supports the need for completion of the H-3 Interstate Highway Project. The 4(f) provision which is currently causing a halt in the project will be specifically addressed by other members of our State delegation.

"Citizens for H-3" is a grass roots organization created to focus support for the continued construction of the H-3 highway; to provide accurate information to the community regarding the current status of H-3; to

Steering Committee
Jack Richardson
Chairman
Reb Bellinger
Vice Chairman
Virginia Ferris
Stan Kanetake
Bud Pinkosh
Craig Mayeda
Evans Yim

assist with public awareness of obstructions to the completion of the H-3; and to mobilize individual citizens and community groups in ways to meet these objectives.

In short, we are the citizens FOR the H-3 project. All too often, groups are created for the purpose of opposing something, rather than supporting something. To be sure, opposition does exist to our group and to the H-3 project but the overwhelming concensus of the average citizen is that H-3 should be built, and built as soon as possible.

One of the ways to gauge public opinion is through the use of surveys. If properly designed and conducted, survey results can be interpeted with a high degree of accuracy.

One survey was conduted in March 1984 between the areas of Ahuimanu and Laie. This geographic region was considered to be the area of the highest resistance to the H-3 project but when the survey was completed, the results were surprising to many, especially the opponents of H-3.

Briefly, this region was divided into four areas, each area being a voting precinct for that district. A telephone survey of issues affecting Windward Oahu was taken and a section of this survey dealt specifically with H-3. Details on the survey are attached to my testimony.

The results showed the following:

Precinct #1 (Laie) - 75% Pro H-3
Precinct #2 (Hauula) - 69% Pro H-3
Precinct #3 (Kahaluu) - 70% Pro H-3
Precinct #4 (Ahuimanu) - 78% Pro H-3

This represented a district wide Pro H-3 position of 74%. In total, 422 surveys were completed and statistically this provides us with a margin of error of ± 5%.

A second survey was conducted a few months later in nearby Kaneohe. This was a joint project between the Kaneohe Neighborhood and the Honolulu Community College. This survey was completely independent of the one previously mentioned. There were no common participants nor was there any exchange of information between the people who conducted the first survey and those conducting the second one.

A total of 167 people participated with the following results:

1) Approximately 70% of the Kaneohe residents polled said they were in favor of completing the H-3 highway.
2) 71% said a member of the family commuted on a regular basis during peak traffic hours.
3) 72% of those who work in Pearl Harbor and Leeward Oahu said that they would use H-3.

4) 66% said they felt the H-3 would not dramatically affect the beauty of the Koolau Mountain Range and the windward side.

5) 66% said they believe H-3 would dramatically reduce commuting time.

On a different perspective, H-3 is also far more than just a transportation issue. Since we are an island state, planning for our future is a vital necessity. We simply cannot afford the luxury of error.

The growth plans for Oahu indicates that the second urban center will be on the leeward side of the island. As a result, more and more jobs will be created. It is currently estimated that by the year 2000, as many as one third of the residents of Windward Oahu will work in that leeward directions.

Presently, 90-95,000 vehicles per day travel the Pali and Likelike Highways. It is estimated that this volume will increase to more than 120,000 vehicles per day by the year 2000. If H-3 is not built, commuting will be more of a nightmare than it is now. However, with H-3 completed, all traffic leeward bound will move on H-3 and will provide the Pali and Likelike Highways with a tremendous relief in congestion.

Currently, our peak traffic lasts more than 2-1/2 hours each morning and more than 3 hours each afternoon. It is unpleasant, to say the least, to think about what commuting in just 10 short years will be like if H-3 is not built.

Right now, I commute daily to Honolulu from Kahaluu. Total travel distance is a very long 12 miles. The first 4 miles of my commute are on Kahekili Highway. This is a feeder highway on to the Likelike Highway which in turn goes to Honolulu. This 4-mile segment takes approximately 30 minutes to avel. Once on the Likelike Highway, things really begin to pick up. Current estimates indicate that the remainder of the trip will be done at a breathtaking average speed of 16.9 miles per hour.

This is the average situation but other factors also come into play. Large vehicles such as trucks and buses greatly slow down traffic and if there is an accident, especially in one of the tunnels, commuting time can increase 1-2 hours.

Obviously, frustration and tolerance levels are easily reached. Can you imagine walking into your office and have someone say "Good morning, how are you today" and you've just spent the last hour and a half in bumper-to-bumper traffic. Just think about what your response is liable to be.

Your imagined reply may seem amusing to you right now but there are serious long range implication for business. Not only will there be an increasing occurrence of people being late for work, but the frustrations that are built up in bumper-to-bumper traffic can very easily and quite unintentionally be transferred to the work place and this too will have long range negative effects.

My testimony touches only a few of the reasons for building H-3. After you have heard the other testimonies in support of the project, I am sure that you will see the urgency in our need to remove the obstacles delaying construction of H-3.

To have such an important project delayed by a small opposition group, which does not represent the views of the majority, is an outrage. The delays have increased costs, pushed back completion dates and prevented jobs.

Members of this committee, we urgently need your support in removing the obstacles confronting the H-3 project.

We're counting on you and we're sure that you will not disappoint us.

Thank you and Aloha!

H-3 SURVEY BY REB BELLINGER

PURPOSE:

A telephone survey was taken in March of 1984 in order to obtain information on how people felt about various issues affecting the 15th Representative District, which is composed of the following precinct areas: 1) Precinct 1-Laie; 2) Precinct 2-Hauula; 3) Precinct 3-Kahaluu; 4) Precinct 4-Ahuimanu. One section of the survey centered around the issue of the H-3 freeway.

METHOD:

A telephone survey was developed with the assistance of a professional in Public Opinion Polling. In order to ensure objectivity in the survey, the following steps were taken:

1) Twenty volunteers conducted the survey from two locations which had large numbers of telephones. Only three of the volunteers lived in the district being surveyed.

2) A training course was given in telephone technique to ensure that the survey would be conducted in a professional and objective manner.

3) A supervisor would periodically monitor conversations to guarantee that our survey guidelines were followed.

4) A telephone list was obtained from the reverse telephone directory. This list was divided into the four precinct areas by street and telephone numbers and was then given to our professional pollster. He recompiled them into four precinct lists of only telephone numbers. As a result, our survey takers received only a list of telephone numbers from a given precinct. They had no indication of who they were calling or what street they were calling.

RESULTS:

	PRO H-3	STOP H-3	NO OPINION
PRECINCT #1	67	15	7
PRECINCT #2	58	22	4
PRECINCT #3	74	26	6
PRECINCT #4	112	25	5
	311	88	23

TOTAL SURVEY = 422

PRO H-3 = 74%
STOP H-3 = 21%
NO OPINION = 5%

NOTE: The following additional information is available for both Pro & Con opinions on H-3.

1) Sex of respondents
2) Age categories
3) Length of time living in the area.

SIERRA CLUB, HAWAI'I CHAPTER
P.O. BOX 11070 HONOLULU, HAWAI'I 96828
(808) 946-8494

DATE: 6 November 1985

TO. Senator Steven D. Symms, Chairman and Members of the Senate Committee on Environment & Public Works

From: Wayne C. Gagné, Ph.D., Regional Vice President, Sierra Club, Hawai'i Chapter
Wayne C. Gagné

RE: Senate Bill No. 1796: "Exempting H-3 Project From All Environmental Laws"

Before I begin my testimony, I would like to transmit to the record the testimonies of the Hawai'i Trail and Mountain Club, Greenpeace, Hawai'i, the Hawai'i League of Conservation Voters, Save Kawela Bay Association, Kawai Nui Heritage Foundation, and Ed Stevens, Transportation Liaison, Sierra Club Hawai'i Chapter.

My name is Wayne Gagne. I have a doctorate in entomology and am presently an education specialist in natural history at the Bishop Museum in Honolulu. I am presenting this testimony in my present capacity as Regional Vice President for Hawai'i of the Sierra Club, in opposition to S 1796.

As a scientist and educator I have had long on-the-ground experience with much of the pathway of the proposed freeway on both its windward and leeward alignments. The old analogy of an elephant being actually a mouse built to government specifications is particularly apt there- H-3 representing the elephant and disgruntled windward commuters, the mouse. You are being asked to set aside all laws, including the powerful 4(f) provisions, spend upwards of $1 billion for a project conceived in the 1960's, all to try to address a peak-traffic commuter problem that will only serve to intensify congestion at the Halawa end of the H-3 corridor during peak commuter hours.

Previous attempts to negate 4(f) provisions have never been successful in Congress, withstanding recent efforts to exempt Westway in New York; even former Senate Committe on Environment & Public Works Chairman Sen. Howard Baker was thwarted in the late '70's to set aside 4(f) provisions by his own committee.

In spite of all the controversy and attention this project has drawn over the past 13 years, environmental impact studies, especially biological and archaeological, have yet to be done or completed for certain sections of the freeway corridor, namely that area from the Haiku Valley tunnel portals to the Luluku banana farms. As our lead counsel Boyce Brown will point out, the Luluku area has major archaeological sites recently discovered by Bishop Museum archaeologists. These sites are of such sensitivity that the archaeology report was

Gagné testimony on S 1796 (continued)

stamped by the State Department of Transportation (DOT) as "Restricted, not available to the public" citing provisions of 16U.S.C. 470 aa, i.e. disclosure of the sites would jeopardize their continued existence. Of course, putting a freeway on top of such sites would destroy them completely, but such is the destroy-them-in-order-to-protect-them logic of our State DOT. It is our belief that the State DOT now recognizes that they have uncovered another extemely sensitive area with inherent 4(f) problems. When the EIS was first written which would have covered the Luluku area, the State DOT told museum archaeloogists to stay out of the area, ostensibly since the banana farmers there would object to their supposed intrusion. We now know an alternate reason.

This bill would preclude any subsequent EIS surveys and obviate new 4(f) problems. In the EIS's already prepared, DOT made assurances that, in the event a major dike-perched water supply ~~was~~ discovered during the trans-Ko'olau tunnelling, the project would be stopped; such would be but a hollow promise should this legislation pass.

We prefer that the H-3 federal monies be transferred as speedily as possible to other O'ahu transporation needs, including upgrades of existing Likelike and Pali corridors to speed traffic flow into and out of the city of Honolulu as was suggested by the Federal courts, and to mass transit projects in the densely populated portions of Honolulu which will otherwise rapidly approach gridlock without it. This would help alleviate rush hour traffic congestion for windward commuters and not lock Honolulu out of the possibility of a fixed-rail mass transit system for ever. In the long run, we believe that these approaches will provide for even more Hawaii-based highway construction jobs than construction of the H-3 dinosaur.

This concludes our testimony. Thank you for providing us with the opportunity to present it.

MĀLAMA I KA HONUA

SIERRA CLUB, HAWAI'I CHAPTER
P.O. BOX 11070 HONOLULU, HAWAI'I 96828
(808) 946-8494

October 31, 1985

Proposed Exemption of H-3 Highway from Environmental Laws

The Sierra Club, Hawai'i Chapter, must voice its strong opposition to Senator Daniel Inouye's proposed Bill S 1796 which would exempt the proposed Trans Ko'olau Interstate Highway Route H-3 from all environmental & other laws.

The Sierra Club views this bill as a blatant attempt to circumvent environmental laws which protect us all and as a last ditch effort to permit a special interest project which has been halted by court order.

The Sierra Club, along with a broad based coalition of citizen groups, has been opposed to the construction of H-3 and has been involved in litigation to prevent the proposed highway from crossing through conservation districts. The thrust of our opposition has focused on degradation of water, flora, fauna & other natural resources in the Ko'olau Mountains, physical damage to North Halawa & Haiku Valleys and adverse impacts on Ho'omaluhia Park. We also oppose the proposed highway because it would be contrary to the City & County of Honolulu General Plan policies for population distribution on O'ahu and would be socially & economically disruptive to Windward O'ahu communities. We have recommended that the considerable funds allocated to this project be transferred to more desireable & needed highway & mass transit transportation projects.

The Senate Committee on Environment & Public Works (SubCommittee on Transportation) will hold a hearing on Senate Bill S1796 on Wednesday, November 6th. The Sierra Club, Hawai'i Chapter, deplores this attempt to subvert our valuable existing environmental laws and urges the defeat of this bill.

Ed Stevens, Transportation Liason
Sierra Club, Hawai'i Chapter

STATEMENTS IN FAVOR OF H-3

HOUSE OF REPRESENTATIVES
THE THIRTEENTH LEGISLATURE
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

Speaker
HENRY HAALILIO PETERS
Vice Speaker
MARSHALL K. IGE
Majority Leader
RICHARD A. KAWAKAMI
Majority Floor Leader
TOM OKAMURA

DISTRICT REPRESENTATIVES
1st — ANDREW LEVIN
2nd — HARVEY S. TAJIRI
3rd — WAYNE METCALF
4th — DWIGHT Y. TAKAMINE
5th — VIRGINIA ISBELL
6th — ROBERT K. LINDSEY
7th — MARK J. ANDREWS
8th — HERBERT J. HONDA
9th — JOSEPH M. SOUKI
10th — BILL PFEIL
11th — DANIEL J. KIHANO
12th — RON MENOR
13th — ROBERT BUNDA
14th — JOSEPH P. LEONG
15th — BOB NAKATA
16th — TERRANCE W. H. TOM
17th — MARSHALL K. IGE
18th — WHITNEY T. ANDERSON
19th — JOHN JUSTIN MEDEIROS
20th — CAM CAVASSO
21st — DONNA R. IKEDA††
22nd — HAL JONES
23rd — BARBARA MARUMOTO†
24th — FRED HEMMINGS, JR
25th — CALVIN K. Y. SAY
26th — KEN KIYABU
27th — BRIAN T. TANIGUCHI
28th — JAMES T. SHON
29th — DAVID M. HAGINO
30th — KINA'U BOYD KAMALI'I
31st — RUSSELL BLAIR
32nd — MAZIE HIRONO
33rd — ROD TAM
34th — MIKE LIU
35th — GALEN K. ONOUYE
36th — DWIGHT L. YOSHIMURA
37th — DENNIS M. NAKASATO
38th — REYNALDO GRAULTY
39th — ROMY M. CACHOLA
40th — DONNA MERCADO KIM
41st — TOM OKAMURA
42nd — CLARICE Y. HASHIMOTO
43rd — ARNOLD MORGADO, JR
44th — ELOISE YAMASHITA TUNGPALAN
45th — MITSUO "MITS" SHITO
46th — PAUL T. OSHIRO
47th — MIKE CROZIER
48th — HENRY HAALILIO PETERS
49th — PETER K. APO
50th — ALFRED C. LARDIZABAL
51st — RICHARD A. KAWAKAMI

†Minority Leader
††Minority Floor Leader

November 1, 1985

Honorable Spark M. Matsunaga
United States Senate
109 Hart Senate Office Building
Washington, D. C. 20510

Dear Sparky:

I am very pleased to hear that you have co-sponsored Senate Bill 1796 which will exempt the Interstate H-3 Freeway from further federal environmental laws.

As I'm sure you know, the number of residents in the Windward communities of Kailua and Kaneohe have increased tremendously in the last 10 years with a resultant increase in daily commuter traffic of 16% in the last six years. Presently, we have only two choices for our daily commute--Pali and Likelike Highways--and both of these routes operate at greater than 100% capacity during rush hour traffic. In fact, the rush hour traffic period now extends from 6 a.m. to 8:30 a.m. and from 3 p.m. to 6 p.m. When a highway has exceeded traffic capacity, the only solution is extended rush hours--or construction of a new highway.

In the 1960s and 1970s, most of the Windward residents commuted to downtown Honolulu to their jobs. Today's Windward population is much more diverse as is the job market. Many of our residents now work in Central and Leeward Oahu and construction of H-3 would provide them easier access to these job markets.

As the elected representative of the 18th House District (Maunawili and Enchanted Lakes), I want you to know that the majority of my constituents favor the immediate construction of H-3 as does the State Legislature.

Please inform members of the Senate Environment and Public Works Committee that the H-3 is a much needed and long awaited highway project in Hawaii. Recent polls have shown that more than 70% of my constituents favor H-3.

I am most appreciative of your efforts in this matter.

Sincerely,

Whitney

Whitney T. Anderson
Representative
Eighteenth District

REPRESENTATIVE JOHN J. MEDEIROS
HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

COMMITTEES:
Judiciary
Consumer Protection
& Commerce
Corrections & Rehabilitation
Transportation
Tourism
Public Employment &
Government Operations
Employment Opportunities &
Labor Relations

Office:
State Capitol
Room 441
Phone: 548-7850

November 1, 1985

The Honorable Spark M. Matsunaga
United States Senate
109 Hart Senate Office Building
Washington, D.C. 20510

Dear Sen. Matsunaga,

Please accept my most grateful thanks and that of the majority of my constituents for your assistance in getting the Interstate H-3 Freeway project moving again.

As the elected representative of the 19th House District (Kailua-Makapuu), I have found myself in the position of having to explain how come a project that is so needed can be stymied by the legal maneuvering of a small minority of people, many of whom don't even live in the Windward Community.

I am pleased that the Senate Environment and Public Works Committee will address the 4 (f) issue that has prevented this much needed project from moving forward for so long. As you know, there is much grassroots support for H-3, particularly from my constituents who find themselves caught in bumper-to-bumper traffic every day going both to and from town.

Please inform the other members of the Senate Committee that H-3 has the support of the Hawaii State Legislature and any legislation that will hasten its construction will be gratefully appreciated.

I am most appreciative of your efforts in this matter.

Sincerely,

Rep. John Medeiros

TESTIMONY OF
BENJAMIN J. CAYETANO
CHAIRMAN
SENATE TRANSPORTATION COMMITTEE
STATE OF HAWAII
BEFORE THE SENATE SUBCOMMITTEE ON TRANSPORTATION
OF THE
ENVIRONMENT AND PUBLIC WORKS COMMITTEE

NOVEMBER 6, 1985

Chairman Symms, members of the Subcommittee on Transportation, I am Benjamin Cayetano, Chairman of the Senate Transportation Committee of the 13th Legislature of the State of Hawaii. I am here to support the initiative by our Congressional Delegation to permit the completion of the interstate.

The history of the interstate and defense system of Hawaii began when Hawaii was granted statehood in 1959. With statehood, the National Interstate and Defense Highway Program was granted to Hawaii. Congress at that time designated a 50-mile highway system to the Island of Oahu to serve the major population areas and defense facilities.

The Hawaii State Legislature, since the inception of the Interstate and Defense Highway Program, foresaw the need for a system of highways to serve Oahu's growing urban population centers and to connect the military facilities. The Legislature recognized that the existing transportation facilities which included the Trans-Koolau routes of Pali Highway and Likelike Highway would be inadequate to fulfill those needs.

The Transportation Committee has throughout the years recognized the importance of the inter-state network and has continuously recommended the funding of the system. The H-1, and H-2 legs have been or are nearing completion and are essential to the movement of traffic and to Oahu's economy. The completion of the H-3 segment would complete the interstate system which would serve as the mainstay of the transportation system.

During the early years, there were questions as to the want and need of H-3 with various groups of citizens opposed to the project. There was no visible public support for the project. Recently, this support has surfaced with the growing congestion experienced by Trans-Koolau commuters. During the recent election for the state legislative office, two state house candidates introduced a telephone survey in April, 1984, which showed support for H-3 by a three to one margin. Also, in another poll conducted by a group of college students for the Kaneohe Neighborhood Board, 71% of those surveyed said H-3 should be completed as soon as possible.

As Chairman of the Senate Transportation Committee for the State of Hawaii, I recognize the urgent need to complete the interstate system which includes the H-3.

I thank you for the opportunity to testify on behalf of this important matter for the State of Hawaii and will be looking forward to your decision.

HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

TESTIMONY OF

BRIAN T. TANIGUCHI

CHAIRMAN

HOUSE TRANSPORTATION COMMITTEE

STATE OF HAWAII

BEFORE THE SENATE SUBCOMMITTEE ON TRANSPORTATION

OF THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

November 6, 1985

My name is Brian T. Taniguchi and I am Chairman of the Committee on Transportation of the House of Representatives of the Thirteenth Legislature of the State of Hawaii. I would like to extend my appreciation to the Chairman, the Honorable Steve Symms, and members of the Senate Sub-Committee of Transportation for inviting me to testify on this matter of extreme importance to the State of Hawaii.

The National System of Interstate and Defense Highways was extended to the State of Hawaii on July 12, 1960 with the passage by the Congress of the Hawaii Omnibus Bill, Public Law 86-624. The State share of the cost of the Interstate and Defense Highway System on the Island of Oahu consisting of H-1, H-2 and H-3 has been continuously funded by the State Legislature since the early 1960's. The state funding mechanism to complete the Defense and Interstate System in Hawaii, including H-3, is in place with the passage of a comprehensive tax package of an increase in gasoline, vehicle weight and vehicle registration taxes in the past session of the State Legislature. This package is the product of many years of legislative debate and passed by good margins in both Houses of the Legislature, despite very strong sentiments in the community about tax increases.

In contrast to H-1 and H-2, H-3 has been the focus of protracted controversy and litigation. Questions regarding its impact on growth, on the water table of Oahu, on different socio-economic groups and on the environment have been the subject of numerous legislative hearings, many of which I have personally chaired. Through all of this, the position of the House and that of the Legislature as a whole has not changed - the H-3 project should be completed as soon as possible to help alleviate our trans-Koolau transportation problem.

I am aware that the State Department of Transportation has also conducted over 20 public hearings and informational meetings with the communities involved in the H-3 project and the culmination of these hearings is the present configuration and routing of the project. The State Department of Transportation has studied at least 17 alternatives to the 4-lane Interstate highway including, a "no build" alternative, upgrading of the existing facilities, mass transit, truck prohibitions, contra flow lanes and reversible lanes. The environmental documentation for the project is extensive, evidenced by 18 volumes of environmental impact statements.

State environmental statues have also been complied with, and the State Supreme Court ruled on September 18, 1985, that the State Board of Land and Natural Resources (BLNR) validly issued a Conservation District Use Permit (CDUP) permitting the construction of H-3 with 25 different measures intended to mitigate environmental harm.

On August 21, 1984, the Ninth Circuit Court of Appeals re-imposed an injuction on the constuction of H-3 based on a highly technical interpretation of Section 4(f) of the Federal Transportation Act of 1966 and the Federal Aid Highway Act of 1968. It is unfortunate that this interpretation regarding only a small segment of the project alongside and not through Ho'omaluhia Park prevents the completion of this transportation facility. That is why we are requesting your assistance.

On behalf of the House of Representatives of the State of Hawaii, I urge passage of the legislation before you to expedite the completion of the H-3 project for the benefit of the people in the State of Hawaii.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4000

TONY NARVAES
ACTING CHAIR

November 1, 1985

The Honorable Spark M. Matsunaga
United States Senate
109 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Matsunaga:

I would like to submit this as testimony on Senate Bill 1796. I would appreciate your entering my letter into the Committee record as I represent residents of both Nuuanu and Kalihi Valleys.

Traffic from the Windward side of Oahu into Honolulu via Nuuanu Valley and Kalihi Valley has increased tremendously in recent years. Recent studies have shown that traffic has increased by 16% on the Pali Highway in the past six years. This traffic has a very direct impact on the residents of Nuuanu Valley, which I represent in the City Council. Similar increases can be found on the Likelike Highway.

My constituents report that they are having increasing difficulty in getting from their residences out to the main highways, Pali Highway and Likelike Highway, to get to work, school, shop, etc. The State has recently installed some traffic signals, upon my request, to make entering the highways safer, but it often causes traffic to back up on both highways, creating stress and discomfort to many.

H-3 will remove traffic not intended for downtown from Pali Highway and Likelike Highway and allow these drivers a better route all the way from Kailua to Central and Leeward Oahu, freeing these highways for those that are townbound.

The City and County of Honolulu has included both the H-3 and Ho'omaluhia Park in its General Plan and in the Koolaupoko Development Plan. It was the intention of the City for the H-3 and the park to have a common boundary so that residential development between the highway and the park could not occur.

The Honorable Spark M. Matsunaga
Page 2
November 1, 1985

I fully support the construction of H-3. I appreciate the Senate's consideration of this bill and urge passage.

Sincerely,

Tony

TONY NARVAES
Acting Chair

Cement and Concrete Products Industry of Hawaii Suite 1110, Control Data Building • 2828 Paa Street, Honolulu, Hawaii 96819 • Telephone 833-1882

ccpi

November 4, 1985

Chairman of the Board
Nathaniel R. Potter

Vice Chairman of the Board
Wayne T. Kawano

Secretary
Charles M. Aseo

Treasurer
Don G. Deer

Coordinator/Neighbor Islands
John H. Walker

Directors
Thomas E. Bastis
Jack F. Burford
Edwin Y. M. Chang
Wayne R. Ellis
Phil C. French
Marvin Funes
Paul Y. Iijima
E. W. McCurdy
George S. McElduwney
Ted T. [illegible]
Henry H. Otani
James R. Perry
Richard T. Sakamoto
Masao Shimabukuro
Carl L. Simons
Timothy D. Smythe
Robert J. Wright
Ronald L. Yamada

President
George S. Ishida

Administrative Manager
Danielle K. Zenz

To The Members of the
Transportation Subcommittee of the
Public Works & Environment Committee
U.S. Senate
Washington, D.C.

Gentlemen:

The Hawaii companies listed below solicit your support for legislation, which would permit the renewal of construction on the most desparately needed transport link in the State, H-3.

In helping us override an appeals court ruling which our leading daily newspaper calls "a frivolous one" you will be, indeed, upholding the spirit of the laws governing this project, supporting the vast majority of our individual citizens, and encouraging the member firms of this organization to continue to contribute to this expanding community and its economic growth.

Making Hawaii a better place in which to live and to work is what H-3 is all about. Every conceivable objection to it has been declared met in countless legal actions. H-3 will bring the greatest good to the greatest number of people of any other government project now being considered in Hawaii.

We urge you to concur with Hawaii's four Congressional representatives, its Governor, Legislature, and the Mayor of Honolulu and its people.

Sincerely,

Nathaniel R. Potter, Jr.
NATHANIEL R. POTTER, JR.
Chairman of the Board

George Ishida
GEORGE ISHIDA
President

Member Firms: Ameron HC&D/Ameron HC&D Maui/Bonded Materials Co., Inc./Con-Agg of Hawaii/FairCo U-Cart Concrete/Grace Pacific Corp./Jas. W. Glover, Ltd./[illegible] Operations/Hale Kauai, Ltd./Hawaii Concrete Products, Inc./Hawaiian Dredging & Construction Co./Lale Concrete & Aggregates, Inc./Lone Star Hawaii Cement Corp./Lone Star Hawaii Rock Products, Inc./M. Funes Concrete/Maui Blocks/Maui Concrete & Aggregates/Monier Roof Tiles/P.C. French, Ltd./Prestressed Concrete/Tileco, Inc./West Hawaii Concrete

Associate Member Firms: The Dunne Co. [illegible] Concrete Coring Company of Hawaii/Hawaiian Western Steel, Ltd./Hill Brothers Chemical Company/Master Builders/[illegible] Concrete Accessories, Inc./Wire Products of Hawaii, Inc.

STATEMENTS IN OPPOSITION TO H-3

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4000

MARILYN BORNHORST
COUNCILMEMBER

November 1, 1985

Mr. Steven D. Symms, Chairman
Subcommittee on Transportation
Senate Committee on Environment
and Public Works
410 Dirksen Building
Washington, D.C. 20510

Attention: Jean Lauver

Dear Mr. Symms:

I would like your committee to know that as a member of the Honolulu City Council I do not want all laws pertaining to H-3 ignored. I believe that H-3 does not conform to our land use development plan for Honolulu. If possible, I would like the money to be spent on this project transferred to other pressing transportation needs in Honolulu.

Sincerely,

Marilyn Bornhorst

MARILYN BORNHORST
Councilmember

mal

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4000

WELCOME S. FAWCETT
COUNCILMEMBER

November 1, 1985

Mr. Steven D. Symms, Chairman
Subcommittee on Transportation
Senate Committee on Environment
  and Public Works
410 Dirksen Building
Washington, D.C. 20510

Attention: Jean Lauver

Dear Mr. Symms:

This is to inform your committee that I support the transfer of the funds which would be used on H-3 to other transportation projects on this island which are eligible for transfer. These would include first, improvements to the traffic facilities available to those riders and drivers who reside on the windward side of the Island, and thereafter necessary highway improvements elsewhere, as well as some funding for mass transit. I believe the funds now awaiting expenditure on H-3 could, if transferred to other transportation projects, provide the jobs which we so badly need, as well as doing more to solve our transportation needs than would use of these funds for one highway which would still leave those driving to downtown Honolulu some distrance from their work destination. I fear also that construction of H-3 would work against the carrying out of the plans which the City Council has passed regulating land use on Oahu.

Truly yours,

WELCOME S. FAWCETT
Councilmember

WSF:ds

cc: Honorable Daniel K. Inouye
    Honorable Spark Matsunaga

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 • AREA CODE 808 • 523-4141

FRANK F. FASI
MAYOR

November 6, 1985

The Honorable Robert Stafford
United States Senator
415 Hart Building
Washington, D.C. 20510

Attention: Jean Lauver

Dear Senator Stafford:

We, the undersigned, are opposed to the proposed action of the Congress to circumvent and make null and void the purposes and/or intent of Section 138 of Title 23, United States Code, and Section 303 of Title 49, United States Code as relating to the proposed construction of a Hawaii State Highway known as H-3.

We are in complete agreement that this issue should be resolved at the local level. There has not been an opportunity for state and local legislative bodies to establish priorities and current policies on how limited Federal funds should be spent vis-a-vis H-3 as opposed to transit needs on our major highways H-1, H-2, and the current trans-Koolau corridor which serve more than 80% of our motoring public.

Frank F. Fasi
FRANK F. FASI, MAYOR
CITY AND COUNTY OF HONOLULU

Patsy T. Mink
PATSY T. MINK, COUNCILMEMBER

Marilyn Bornhorst
MARILYN BORNHORST, COUNCILMEMBER

Welcome S. Fawcett
WELCOME C. FAWCETT, COUNCILMEMBER

**Advisory
Council On
Historic
Preservation**

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

NOV 20 1985

Honorable Steven D. Symms
Chairman
Subcommittee on Transportation
Committee on Environment and Public Works
Dirksen Senate Office Building, Room 410
Washington, DC 20510

Dear Senator Symms:

We appreciate the invitation extended by your staff to testify at your recent hearing concerning S. 1796, the bill providing for the construction of a 10.7 mile segment of Interstate Highway H-3 "notwithstanding any other provision of Federal law."

This legislation would exempt the Federal Highway Administration (FHWA) from compliance with the requirements of 23 U.S.C. 138, which provides protection to historic properties. It also appears that the legislation could be interpreted, at least, to exempt FHWA from compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and from the Council's regulations implementing Section 106 (36 CFR Part 800). Such an interpretation would be a matter of serious concern to the Council.

Our regulations provide that historic properties included in or eligible for inclusion in the National Register of Historic Places are to be identified in advance of Federal undertakings that may affect them. If as a result of this effort it is found that the undertaking will adversely affect such a property, consultation occurs, involving the responsible Federal agency, the State Historic Preservation Officer (SHPO), the Council, and interested members of the public to determine ways, if possible, to reduce the adversity. In most cases, this process of consultation results in execution of an agreement either specifying what steps will be taken to reduce the adversity, or accepting the adverse effects in the public interest. Such agreements document that the responsible agency has complied with the two requirements of Section 106: to take into account its effects on historic properties, and to afford the Council a reasonable opportunity to comment.

Although the Council has reviewed previous proposals for construction on H-3 alternatives, including a 1977 environmental impact statement reporting that the project would have no effect on historic properties. Our current contact with the project dates from October 1983 when we received a copy of a letter from the Hawaii SHPO suggesting that archeological "salvage" excavations were planned on historic properties discovered within the H-3 corridor. "Salvage" excavation means archeological excavations to recover information about a site that will be destroyed by construction. Such excavations are often agreed to as a result of consultation under our regulations and Section 106. In this case, however, consultation under the regulations had not occurred; it thus appeared that such excavations -- which themselves destroy the archeological site subjected to study -- had been decided upon even though Section 106 had not yet been complied with. We wrote to FHWA on October 30, 1984 expressing our concern about this (copy enclosed). We received a response which, while it asserted that FHWA had in fact complied with Section 106, also promised to comply fully with Section 106 and our regulations if significant historic properties were found during further study of the right-of-way (copy enclosed). Since we had also been advised, during a late October meeting with FHWA in Honolulu, that it was authorizing the Bernice P. Bishop Museum to proceed with further survey work to identify historic properties, we felt that FHWA's response was satisfactory.

We have recently received a copy of a survey report prepared by the Bishop Museum concerning their work within the H-3 corridor (copy enclosed). The report clearly indicates that highly significant archeological resources exist within the corridor. These resources include the remains of an extensive prehistoric agricultural and water-control system, a variety of other prehistoric structures, and an uncertain number of graves. Based on past experience, it seems almost certain that at least some of these sites are eligible for inclusion in the National Register of Historic Places, though FHWA has not yet obtained a formal determination to this effect from the Hawaii SHPO or the Keeper of the National Register in the National Park Service. It also appears that FHWA has had fairly detailed information on these sites in its possession for almost a year. We are advised both by FHWA and others that a further, more detailed archeological report has been prepared more recently, but FHWA has not provided this report to us.

In summary, there appear to be highly significant historic properties within the H-3 right-of-way. Based on FHWA's assurances of complying with Section 106 of the National Historic Preservation Act, we expect FHWA will determine whether the properties are in fact eligible for inclusion in the National Register of Historic Places and, if they are, will consult to determine what, if anything, can be done to preserve their significance while proceeding with the project. Mechanisms for preserving the significance of the properties might include rerouting or redesigning the project to avoid all or some of the properties, the conduct of archeological salvage work, and other measures that cannot be discussed in detail without more information on the nature of the project itself.

If S. 1796 is enacted, and interpreted to exempt FHWA from compliance with Section 106, FHWA would be under no Federal legal obligation to concern itself with the historic properties in the H-3 right-of-way. State law might require a degree of consideration for such properties during highway planning and construction, but the Federal Government, in effect, would be denying to itself any responsibility for concern for this element of Hawaii's cultural environment.

Sincerely,

for Robert R. Garvey, Jr.
Executive Director

Enclosure

CONSERVATION COUNCIL
for HAWAII
STATE BOARD AND OAHU CHAPTER • P.O. BOX 2923 • HONOLULU, HI 96802 • (808) 941-4974

Environment & Public Works Committee
Senator Robert Stafford, Chair

Dear Sirs:

The U.S. Senate Committee on Environment and Public Works' Subcommittee on Transportation is hearing a bill to exempt a damaging Hawaii highway project from all federal laws. We ask for your help in the defeat of this bill (S. 1796) from our Senator, Daniel Inouye. First, there are much better alternative transit projects he and Hawaii's present Governor fail to seriously consider, and even more importantly, the bypassing of environmental laws in this capricious manner could become a road to ruin for our nation.

A broad-based coalition of citizen groups has prevented this 11 mile "interstate freeway",(which would cost over $70 million per mile) from being built in a historic valley and park area by requesting the Courts to uphold existing federal laws. These laws are valuable and valid in every State, and especially in rapidly urbanizing Hawaii, and should not be subverted piecemeal by this extraordinary technique.

Exemptions for the Hawaiian Islands from Federal regulations banning certain pesticides have resulted in deeply regretable contamination cases, and we have evidence this H-3 highway bill will degrade park, watershed and rural lands.

Attached is information that we urgently ask you to review in your decision making. Our state-wide council opposes any exemption.(however, the deadline extension idea in the title could aid transfer of funds to more efficient transportation projects). There are no exceptional circumstances to justify such a bizarre precedent. The "end-run" approach is a demoralizing attack on the rule of law in our nation, and especially in our region' Parks deserve the same protection in Hawaii that they receive in other states.

With appreciation & aloha,

Steven Lee Montgomery

Steven L. Montgomery, Ph.D. (808) 941-4974
Pres., Oahu Island Chapter, Conservation Council for Hawaii,
National Wildlife Federation Affiliate Representative

State affiliate of the National Wildlife Federation. C.C.H. is a private non-profit corporation. Founded in 1950
for island resource conservation, environmental health and education

GREENPEACE

November 3, 1985

Sen. Steven Symms

Transportation Chairman

Dear Sir:

Greenpeace Hawaii is dedicated primarily to protection of the marine environment, with campaigns addressing ocean disposal of toxic wastes, drifting nets & the killing of marine mammals. Senate Bill 1796 greatly concerns us because laws covering all of the above, even when upheld by the courts, could regularly be overridden by this brash exemption method.

To meet Hawaii's transport needs, it is not necessary to circumvent the law and courts. There are alternatives which are effective and environmentally acceptable.

Silting and sewage effluent caused by rapid development of the Kaneohe Bay watershed have already killed much of the coral reef. The coral growth is recovering but major highway construction activities will result in flushes of silt down the slopes & streams.

Please vote no on this bill exempting H-3 from environmental and all other laws.

S. White

Sue White, Director

GREENPEACE FOUNDATION • 19 NIOLOPA PLACE, HONOLULU, HAWAII 96817
A NON-PROFIT, TAX-EXEMPT ORGANIZATION • (808) 595-4475 • TLX 633175

For the Protection of Hawaii's Native Wildlife

HAWAII AUDUBON SOCIETY

P.O. BOX 22832
HONOLULU, HAWAII 96822

Nov. 2, 1985

Dear Members,

It was with great surprise & dismay that the Hawaii Audubon Society learned our Sen. Inouye has acceded to Gov. Ariyoshi's request to promote the H-3 Freeway by extreme means.

Hawaii's Audubon Members, over 1000 strong, have been closely involved at each step of this vital public issue for over 15 years, and we will be extremely dismayed if the Congress removes the entire matter from the realm of federal law.

Cannot we depend on you to set & uphold national standards to measure highway projects? Hawaii's parks deserve the identical protections given to every other State!

If Congress suspends or even bends the rules for the H-3 "interstate" it will guarantee that our Governor's transportation engineers will never seriously and fairly evaluate the many more efficient, less damaging alternatives that the thoughtful opposition has proposed.

Because there are viable alternatives, it is unnecessary to lose the Halawa Valley habitat for the Island's rarest native bird, the O'ahu creeper *(Paroreomyza maculata)*.

Please disapprove Senate Bill 1796.

Thank you,
Shelia Conant
Dr. Shelia Conant, President
Hawaii Audubon Society
(Affiliate of National Audubon Society)

Hawaii League of Conservation Voters

250 S. Hotel St., Rm. 211 B
Honolulu, HI 96813
521-1300

STEERING COMMITTEE

Virginia Magdrila Burchett
Orthomolecular Association*
Winona Pi'ilani Char
Hawaiian Botanical Society*
William Dendle III
Hawaii's Thousand Friends*
Sue Dilloure
Greenpeace Hawaii*
Frank R. Eldridge
Ground Zero, Hawaii*
Betty L. F. Johnson
Friends of the Earth*
Norris Henthorne
Hawaii Audubon Society*
Keith Krueger
Eco-News*
Alan Leigh
Sierra Club, Hawaii
Chapter, Honolulu Group
Stuart Lillico
Citizens Against Noise*
Doug Meller
Life of the Land*
Jacqueline "Snookie" Mello
Kaneohe Outrigger
Canoe Club*
Lola N. Mench
Hui Malama Aina
O Ko'olau*
Steven L. Montgomery
Conservation Council
for Hawaii*
Art Mori, Ph.D
Save Queen's Beach
Association*
Arnold Nurock, M.D
Thousand Friends of Kauai*
Frank W. Smith III
Hawaii Bicycling League*

ADVISORY BOARD

John Bose II
(Maui)
Boyce R. Brown Jr., Esq

Wayne Gagne, Ph.D
Randy Kalahiki Sr.
Harriet T. Kane
Bert Y. Kimura, Ph.D
Beatrice Krauss
Guy T. Nakamoto
Solomon K. Naone
Warren Onishi
(Kauai)
Daniel D. Palmer, M.D
Muriel Seto
Adelina Simpliciano

Nov. 2, 1985

Dear Members:

The Hawaii League of Conservation Voters was founded to evaluate candidates and inform voters of their positions on natural resource issues. In the last Hawaii Governor's race, 1982, the League mailed questionnaires to every candidate for office on our island and compiled their responses. For the question: "Are you in favor of building the H-3 freeway?", 11 answered "yes", 25 responded "no", and 8 "no response." Our main point is to show that the people of O'ahu, as reflected in their candidates, are not solidly behind the H-3 highway proposal.

It is unfortunate that the State Department of Transportation's Deputy Director has misrepresented this bill to the public when we first learned of it Oct. 31. In a t.v. news interview, she said its purpose was to "get a new interpretation from Congress" but in reality it is to ask Congress to remove the project from the effect of any federal law.

It is entirely foreign to due process for Congress to lift this local issue out of the laws of the land. Please table this inappropriate bill which suspends the separation of powers and circumvents the courts' rulings based on the laws passed by this body.

Respectfully submitted,

Alan Le

Alan Leigh
Chairman

* Organizational affiliation listed for identification purposes only

HAWAII'S THOUSAND FRIENDS

Ke aloha o ko kākou 'āina, 'Ō ia ka mana kū pa'a. Pānoanoa ka 'āina, Mānoanoa ka po'e.
The Love of our land, is the power for us to stand fast. Rare is the land, many are the people.

November 4, 1985

The Honorable Steven D. Symms, Chairman
Sub-committee on Transportation
Committee On Environment and Public Works
United States Senate
Washington, D. C. 20510

Honorable Sir:

This is to express our vigorous opposition to SB 1796 and to request that it be rejected.

Hawaii's Thousand Friends is a non-profit grass roots organization dedicated to responsible land use, planning, and management in Hawai'i.

We object to SB 1796 because its intent is to circumvent important laws designed to promote responsible land use. While Hawaii's Thousand Friends has taken no formal position on the proposed H-3 Highway issue, we are committed to upholding and implementing the land use laws of Hawai'i and America. Any bill which would blatantly request, as SB 1796 does, that it should take precedence over any present or future federal law, is obviously not in the public interest and would establish a dangerous precedent.

Thank you for the opportunity to testify against SB 1796.

Sincerely,

Muriel B. Seto

Muriel B. Seto
Executive Director

Blaisdell on the Mall, Suite 402 • 1154 Fort Street • Honolulu, Hawai'i 96813 (808)538-1296

HAWAIIAN TRAIL AND MOUNTAIN CLUB

P. O. Box 2238, Honolulu, Hawaii

November 3, 1985

Senator Robert Stafford
Chairman
U.S. Senate Committee on Environment
and Public Works
United States Senate

Dear Senator Stafford and Members of the Committee:

We are writing with regard to Bill S.1796. We urge you to consider very carefully before supporting this bill. We object to it on two grounds:

1. It is an unpopular project. There is wide disagreement over whether the proposed H-3 highway would or could solve the transportation problems it was intended to solve. Moreover it would destroy conservation and park lands needed by the residents of this increasingly urban island. Honolulu is the nation's 11th largest city. On this little island we are going to need places to go where the beauty and quiet of nature are preserved.

   We feel that the State of Hawaii has not seriously looked at the alternatives to H-3. For reasons of its own it is stubbornly pursuing an outdated plan which time and again has been delayed or blocked by the courts. No special legislation should be enacted to exempt this plan until clear evidence is brought forth that it is the best solution to Oahu's transportation problems. We doubt that this could ever be demonstrated.

   Quite frankly the reason this project is being pushed so hard is to bring Federal money and temporary jobs to Hawaii. We understand the tremondous pressures on our representatives in Congress to do so. The H-3 project, however, is not a wise or responsible way to spend Federal money.

2. The wider implications of Bill S.1796 are frightening. We urge you not to set a precedent for exempting unwise projects from legislation designed to protect us from unwise projects. Protective legislation could soon become meaningless if these kinds of bills begin to be passed. For the sake of all the states of our nation, not just Hawaii, we urge you to oppose S.1796.

For your information the Hawaiian Trail & Mountain Club is Hawaii's oldest outdoor organization. Our weekly excursions are open to the public and have become something of an institution in the islands. Over the years we have taken many thousands of residents and tourists alike to enjoy the beauties of Hawaii. When you come on vacation please join us!

Sincerely yours,
John Hoover
John Hoover, President

Senator Robert Stafford
U. S. Senate
Washington, D. C. 20510

Honolulu, Hawaii
November 2, 1985

Dear Senator Stafford:

This letter is written to you by a long time member and supporter of Friends of the Earth and of a number of other organizations concerned with wildlife, conservation, and the environment.

Before your Committee on the Environment a hearing will be held which purports to re-establish the H-3 freeway in Hawaii (specifically Honolulu on the island of Oahu), altho this project has been defeated several times in the courts here. Like the phoenix arising from its ashes, the H-3 freeway has been a hot, embattled project for the past 20 years! There have been assorted injunctions to stop it, primarily by conservation and environmental groups here, such as the Sierra Club, Nature Conservancy, League of Conservation Voters, Hawaii Audubon, to name a few.

The plea of the conservation groups is that the proposed H-3 freeway, whose course has been modified over the years, goes thru or skirts the edges of several parks, conservation lands, and protected areas. The impact of this highway, in terms of traffic, pollution, and the threat to Hawaii's endangered species (Hawaii has more endangered species of birds, mammals, and plants than any state in union!) could and would be massive and long-continuing. Halawa Valley, Haiku Valley, and Hoomalehea are among the threatened areas thru which this highway would pass.

I would like to have this letter introduced as testimony at your hearing in protest against resumption of the H-3 freeway . The fragile environment of Hawaii deserves protection, and I am hoping that you will help provide that protection.

Sincerely & aloha,

Betty L. Johnson (Mrs.)
The Tree House
337 Lewers St., #301
Honolulu, Hawaii 96815

KAHALUU NEIGHBORHOOD BOARD NO. 29
c/o KAHALUU COMMUNITY CENTER
47 232 WAIHEE ROAD
KANEOHE, HAWAII 96744
HEEIA KEA, KAHALU'U, WAIHE'E, WAIAHOLE, WAIKANE, HAKIPUU AND KUALOA

*"Let us not ever have
an unhappy minority"*

RESOLUTION IN SUPPORT OF TRANSFER - H-3 FUNDS

WHEREAS, the $770 million of Federal Highway funding of State transportation projects is in danger of being lost due to continuing successful legal challenges to the H-3 (trans-Ko'olau) Interstate Project;

WHEREAS, if the H-3 is built as planned, there are a number of needed transportation projects and improvements, including Honolulu mass transit, that would be cancelled or delayed due to H-3's using most available Federal and State highway funds as well as drawing additional revenue from the State General Fund in the form of $17 million in the gasoline excise tax;

WHEREAS, the Federal Highway Administration has made the transfer of H-3 funding a straightforward process, and whereas, the State of Hawai'i has until September of 1986 to initiate alternative projects which will improve transportation while creating jobs in the construction industry;

WHEREAS, the State General Fund is already experiencing difficulty in supporting current social programs due to federal cutbacks and the transfer of excise gas tax revenues to the highway funds;

THEREFORE, BE IT RESOLVED, that this organization endorses

1) the immediate transfer of Federal highway monies from the H-3 project to alternative transportation projects on O'ahu (including those on Windward O'ahu)

2) the discontinuation of the transfer of the 4% excise tax on gasoline from the General Fund to the Highway Fund.

Kahalu'u Neighborhood Board No. 29
ORGANIZATION

Chester T. Koga
CHESTER T. KOGA, CHAIR

January 17, 1984
DATE

Resolution approved by motion 11-1-0
K.N.B.#29 Regular Meeting 1-11-84

cc: K.N.B.#29 - Chair
Kahalu'u Community Resource Center
Neighborhood Commission

1 November 1985

Senator Steven D. Symms, Chairman
Subcommittee on Transportation
Committee on Environment and Public Works
United States Senate
Washington, D.C.

Dear Senator Symms and members of the subcommittee:

I am writing on behalf of our organization to oppose S. 1796, Senator Inouye's bill to exempt completion of the proposed H-3 highway on O'ahu from federal environmental laws.

The section of this highway which has already been built lies along the western edge of Kawai Nui Marsh and its tributary Kapa'a Valley. This area has shown evidence of being one of the earliest sites occupied by humans in the Hawaiian Islands. The presence of the H-3 spur has already encouraged a proposal for an industrial park in this area, as well as continuation of a bluestone quarrying operation. If this spur is continued on through the Ko'olau range, it will likely encourage other development incompatible with State plans for this area as a educational, historical, recreational complex and wildlife refuge.

This would be a direct effect of Senator Inouye's proposed bill. An indirect effect, which would be felt over the entire country, would be the weakening of an impression, which is vital to our country's survival, that laws are passed by the Congress with the intent that they be obeyed. If individuals in Hawai'i do not believe certain laws affecting this project are appropriate, then they should try to change the law, not end-run it!

It has been stated that the Windward side of O'ahu, on which many of our members live, "needs" H-3. We do need solution to commute transportation problems. A highway which will place the 85% of commuters who want to go to downtown Honolulu on the opposite side of an existing traffic jam from their destination is not the answer. The estimated $800 millon dollars this project will cost could be much better spent, and bring more immediate relief, if it is used to develop contraflow lanes, increase the bus fleet, and put appropriate interchanges at the ends of the two present trans-Ko'olau highways where signal lights now back traffic up half their length.

Again, we urge you to oppose S. 1796. It will not solve the problems we have with transportation, but it will set a bad precedent.

Sincerely,

Susan E. Miller

Susan E. Miller
President

Na Kia'i Pono 'O Kawai Nui

KAWAI NUI HERITAGE FOUNDATION
P.O. BOX 1101 KAILUA, HAWAI'I 96734

LIFE
OF
THE
LAND

November 1, 1985

Senator Steven D. Symms, Chairman
Subcommittee on Transportation
Committee on Environment and Public Works
United States Senate
Washington, D.C.

Honorable Steven D. Symms & Committee members:

Life of the Land is an environmental organization based in Hawaii for the last 15 years. Life of the Land has always felt that there were better alternatives than building an expensive freeway to solve the morning traffic into Honolulu from the Windward side. One option is reversible lanes on the existing Likelike and Pali Highways. In a time when we are looking at fiscal austerity: I recommend that this committee reject Senate Bill #S1796, "To provide for the extension of H-3"

Life of the Land also recommends that the Senate direct the State of Hawaii to really look at the alternatives to building the H-3 freeway.

Respectfully,

Guy Nakamoto

Guy Nakamoto
President

250 S. Hotel St. Rm. 211, Honolulu, Hawaii 96813. Tel. 521-1300

SAVE KAWELA BAY ASSOCIATION

P. O. Box 61548
Honolulu, Hawaii 96822

November 1, 1985

Honorable Daniel K. Inouye
United States Senate
722 Hart Senate Office Building
Washington, D. C. 20510

Dear Senator Inouye,

The Save Kawela Bay Association (Kahuku, Oahu) hereby documents its strong opposition to your proposal to exclude the development of the H-3 Highway on Oahu from Environmental Laws.

Respectfully yours,

Eloise McIntosh
Eloise McIntosh
Secretary

TO THE SENATE ENVIRONMENTAL AND PUBLIC WORKS COMMITTEE MEMBERS:

I am a resident of Hawaii for 60 years and have been living on the windward side of the Island for the last 38 years. Also I am a member of the Kaneohe Neighborhood Board No.30 for the last six years. (I am enclosing a copy of my position on H3, which was featured in the Windward Sunpress on May 16.1984.)

On October 24,1985 the Kaneohe Board No.30 approved a committee report which was foreward to the Chief Planning Officer, Department of Land Utilization, City & County of Honolulu. Iwill quote from that report regarding Natural Environment. "The four Neighborhood Boards on the Koolaupoko Area have been in agreement concerning the desireability of maintaining a continuous green belt in Koolaupoko. Windward Oahu should retain the lush green aesthetic character which is an asset for the entire Island."

When the Federal appeals court in San Francisco, ordered the construction of the H-3 be stopped until the State of Hawaii proves there is no reasonable and prudent alternative to a Windward leg of the freeway that would loop around the edge of Ho'omaluhia Park at the base of the Pali in Kaneohe. My faith in a government of the people by the people and for the people was prevailed.

Why was the general public not aware of this hearing? Furthermore, why such a hearing is held in Washington where citizens like me are unable to attend.

I am today urging you and the committee members of the Senate Environmental and Public Works not to give the State of Hawaii any exemptions or variances to any of the Federal Environmental Sections. Let the State comply with the rulings of the federal appeals court of San Francisco. I would certainly appreciate hearing from this committee.

Edwin B G Taylor

Edwin B.G.Taylor Jr.
45-109 Lilipuna Rd.
Kaneohe, Hawaii 96744

November 3, 1985

Senator Daniel Inouye
United States Senate
Washington, D.C.

Re: H-3 Exemption

Dear Mr. Inouye,

The Waiahole Waikane Community Association throughout the past decade has consistently opposed the H-3 freeway due to the irreparable damage that will occur to our environment. Overwhelming evidence have been presented in public hearinngs to this effect.

In view of this, it is logical that no exemption should be granted.

Sincerely,

David Y. Chiren
President

WAIAHOLE & WAIKANE Community Assoc. P.O. Box 845, Kaneohe, Hawaii 96744

THE WASHINGTON POST ... WEDNESDAY, NOVEMBER 6, 1985 A21

THE FEDERAL REPORT

Costly Hawaiian Highway Project Gets New Push

By Cass Peterson
Washington Post Staff Writer

After more than 12 years of fighting die-hard opposition and unfavorable court decisions, the political powers in Hawaii have adopted a new tactic to get the bulldozers moving on what is expected to be, mile for mile, the most expensive highway ever built.

Sen. Daniel K. Inouye (D-Hawaii) has introduced legislation that would suspend any and all federal laws—past, present and future—that stand in the way of Interstate H-3, a 10-mile stretch of road that would slice two mile-long tunnels through towering volcanoes on the windward side of Oahu.

The Senate Environment and Public Works Committee has scheduled a hearing today on the bill, which Inouye's office says was offered as a chance for the panel to decide whether the courts are properly interpreting federal highway law.

But congressional aides said the hearing was scheduled only after committee Chairman Robert T. Stafford (R-Vt.) objected to Inouye's effort to slip the provision into the Transportat[illegible] Department's appropriations bill earlier this year.

At a projected cost of more than $1 billion, H-3 would be the costliest highway project ever undertaken—a distinction it won when New York threw in the towel on its Westway project earlier this year.

But, like Westway, the Hawaiian highway has been ensnarled in legal battles almost from the time it came off the drawing board in the 1960s.

The highway was initially justified as a needed link between the Kaneohe Bay Marine Corps Air Station and Pearl Harbor, on opposite sides of the island. The Defense Department now says it does not need the highway.

Supporters argue that the road is still needed to relieve congestion on the two existing four-lane highways that connect the windward side's 125,000 residents with employment and population centers in Honolulu and Ewa on the leeward side.

But among the staunchest opponents are some residents of the windward side, who believe that the highway would worsen congestion by inviting more development.

"H-3 won't relieve rush hour," said Boyce Brown, an attorney for the opponents. "It doesn't even connect those communities to the main employment areas." Current commuter problems, he said, could be solved at a fraction of H-3's cost by creating some reversible lanes (one-way out in the morning and one-way back in the evening) and supporting mass transportation. Environmentalists also have opposed the project, fearing damage to wildlife and historic areas in Oahu's fragile and largely untouched valleys.

The skirmish has been fought all the way to the Supreme Court twice, and twice the high court declined to touch rulings in favor of the road's opponents.

Most recently, the Supreme Court declined to reconsider a decision by the 9th Circuit Court of Appeals that the highway violated a law designed to protect parks and historic areas from highway intrusions. As now designed, the six-lane expressway would be built along the boundary of a wilderness park called Ho'omaluhia, or "Place of Peace and Tranquility."

The ruling infuriated supporters of the project, who contend that the park was developed with land purchased for the H-3 project. "That park was created by the highway's construction," said an aide to Inouye. "Now the court says we can't build H-3 because it runs too close to the park."

Opponents say that the park stemmed from a U.S. Army Corps of Engineers flood-control project and would have been created whether the highway was there or not.

Brown and other H-3 opponents said there are alternatives to skirting the park, but they would prefer to see Hawaii follow New York's lead and trade the project in on an equal amount of money for mass transit.

"It's a bad idea and it has always been a bad idea," said David Burwell of the National Wildlife Federation. "It's a classic example of the remnants of the interstate system that haven't been built. The best ones have been done, and the ones that are left are the turkeys."

The Sunday Advertiser

Established July 2, 1856

Thurston Twigg-Smith	*President & Publisher*
George Chaplin	*Editor-in-Chief*
Buck Buchwach	*Executive Editor*
John Griffin	*Editorial Page Editor*
Mike Middlesworth	*Managing Editor*
Gerry Keir	*City Editor*

November 3, 1985

H-3 goes to Congress

Governor Ariyoshi has adopted a controversial tactic in seeking to win federal approval for the long-stalled H-3 Freeway.

The state administration has gone to Congress in an effort to bypass both federal environmental regulations and court decisions that have blocked this ill-advised and outdated 1960s project.

IT IS AN admission that the state lost the long legal battle and can't come up with the better justification for H-3 required by the courts.

All four members of our congressional delegation, perhaps as a courtesy, have gone along with the state appeal for legislative circumvention.

Bills were quietly introduced in both houses of Congress last week that would enable the U.S. Secretary of Transportation to authorize completion of H-3 on Windward Oahu and through the Pali "notwithstanding any other provision of federal law enacted heretofore or subsequently. . . ."

Those involved talk as if only "a technicality" is involved. It's suggested the federal appeals court, which studied the issue for many weeks, somehow made a mistake and misread environmental protection regulations. That kind of argument didn't impress the U.S. Supreme Court, which in May refused to hear arguments against the appeals court decision.

ACTUALLY, the 1984 ruling of the 9th U.S. Circuit Court of Appeals said H-3 would damage the atmosphere of the city's Ho'omaluhia Regional Park in Kaneohe by skirting its mauka border.

The court also said the state should consider two alternatives. One, unacceptable to everyone, is to avoid the park area by putting the freeway on a viaduct through Kaneohe town at a probable cost of $42 million.

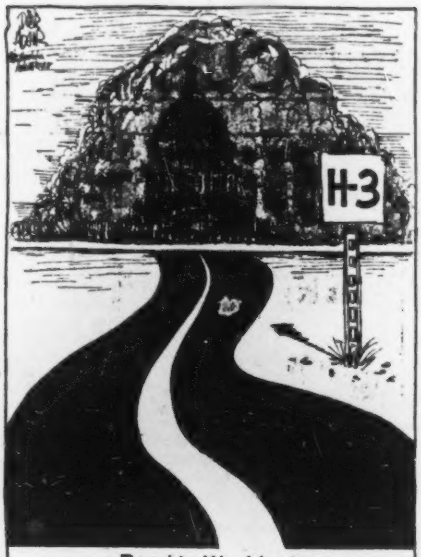
The other is simply not building H-3 and using the more than $600 million in available federal funds for other transportation projects that would provide faster and better relief for more Oahu motorists.

Those could include upgrading the Pali and Likelike Highways and their approaches, improving other crowded Windward Oahu roads, and perhaps helping start the proposed rapid transit system.

THE DANGER now is that a Congress preoccupied with bigger national issues will simply go along with resurrecting H-3 from the judicial junkheap at the behest of Hawaii Democrats.

Opposition groups, which have had to scramble in the face of what looks like a quickie effort to push through the so-called "Save H-3" bills, will be represented at a Senate hearing Wednesday in Washington, as will the state with a big delegation.

The hope is that Congress, as did the federal court, will come to see there is a better alternative.



Road to Washington

H-3: Not a real traffic solver

Editor:

Now that there are new questions arising as to the costs and feasibility of the proposed TH-3 freeway project, it might be timely to review some of the major objections that have been raised. Although we are Windward residents, we believe this issue is of island- and statewide concern, not only because the costs must be borne by all taxpayers, but also because the assets and value of Windward Oahu are significant on the larger scale as well.

Our objections:

• The highway is going in the wrong direction. It moves from the Kaneohe Marine Corps Air Station, around Kaneohe, behind Haiku to Halawa on the Leeward side. Most of the traffic goes in the opposite direction. Kahaluu traffic would have to go all the way to Likelike in order to get onto H-3.

• It will not solve transportation problems for Windward commuters. Since most of the traffic heads into downtown Honolulu, the Pali and Likelike highways will continue to suffer from congestion unless solutions are found to ease the problems there.

In the State's own consultant's report on the freeway's expected impact on growth, it quotes a federal evaluation that says, "highways, including H-3, are built to serve future traffic as well, traffic that to a large extent is created by the very existence of a highway. H-3 is inexorably tied to growth and development on Windward Oahu."

Whlie minimal growth is occurring now, the project's completion would lend justification for virtually unlimited development of the remainder of the Windward coast.

• The projected costs far outweigh the benefits. Even with 90 percent federal funding, the approval of the recent environmental impact statement is based on a projected road costing over $6,000 per linear foot.

• Impact on Watersheds in the Koolau Range. The Koolau mountains provide the highest amount of rainfall and water collection on the island. The proposed highway project includes construction near significant water sources, known as dikes, and there is concern that there will be water loss as well as potential contamination of Oahu's groundwater from the project.

• Social impacts would be devastating to Windward communities. In a socio-economic study prepared for the State Dept. of Transportation, analysts found that growth triggered by the highway's completion would lead to numerous problems such as displacement, evictions, joblessness, increased welfare dependence, and other social disruptions particularly in the Heeia-Kahaluu-Kualoa areas.

• Oahu resident recreational areas will be adversely affected. Windward Oahu's coastline is favored islandwide for a wide variety of recreational pursuits; but overdevelopment created by a new highway is expected to lead to overcrowding or destruction of beach areas.

• Scenic destruction affects visitor industry. Both the proposed highway itself — which will be raised almost 200 feet off the floor of Haiku Valley — and growth which expands due to its construction, will eradicate many of the remaining vistas from the Pali Highway up the Windward coast to Kahuku. Windward's value to the entire island as well as to the visitor industry is indisputable. According to the state's own studies, "There can be no doubt that the positive contribution that this scenic area makes to Oahu's tourist industry."

• Alternative transportation projects for Windward would create more long-term jobs for local residents. In a package of well-planned alternative construction projects to relieve present congestion on Pali and Likelike HIghways, it would provide long term employment at a steady pace rather than the boom-bust labor force required for a project like H-3. It would also be expected that H-3 would need to import some kinds of skilled technicians from the mainland.

• Serious, feasible alternative solutions to Windward Oahu's traffic problems continue to be ignored. Because of political support for the H-3 project, a number of good alternative projects with more direct solutions to traffic congestion received little or no consideration by the State DOT. A combination of such alternatives might be more cost-effective to the taxpayers as well.

Several alternatives were suggested by a Windward transportation workshop in 1976, and these as well as other ideas include:

—Adding an extra lane in both directions for Pali and Likelike Highways.

—Increased bus service, with park and ride facilities for commuters.

—Reversible lanes on both highways during peak hours.

—Staggered schedules for schools and government workers to relieve peak hour congestion.

—More organized support/incentive for carpooling.

—Better sequential timing of traffic signals.

—Construction of overpasses and other improvements to relieve bottlenecks at both ends of Pali and Likelike and at the intersection of Likelike with Kahekili.

—Construction of a raised mass transit guideway above the medial strip of either Pali or Likelike Highways to take buses off the major traffic lanes.

Whether it comes from state tax money or federal dollars, we are all contributing toward the cost of whatever transportation decisions are made. It is time Windward Oahu's value to the island and to the state, and the practical realities of 1981, take precedence over the questionable justification given for continuation with the "white elephant" H-3 freeway project. Let's get down to real solutions to our traffic problems.

ROBERT NAKATA
Kahaluu

DOROTHY D. LETTS
Kaaawa

SOLOMON HALUALANI
Haiku

LEIALOHA KALUHIWA
Heeia

DENISE DE COSTA
Kaneohe

ARTHUR F. BEAUMONT
Kailua

JO ANNE L. KEAMA
Kaneohe

JERRY L.M. KALUHIWA
Heeia

Windward Sun Press

2-18-81